

# **EXHIBIT 13**

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2025 Budget Request**

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**OFFICE FOR CIVIL RIGHTS**

**Appropriations Language**

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$162,359,000.

**NOTE**

A full-year 2024 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2024 and Other Extensions Act (Division A of Public Law 118-15, as amended). The amounts included for 2024 reflect the annualized level provided by the continuing resolution.

**OFFICE FOR CIVIL RIGHTS**

**Amounts Available for Obligation**  
(dollars in thousands)

Appropriation and Adjustments	2023	2024	2025
Discretionary appropriation	\$140,000	\$140,000	\$162,359
Unobligated balance expiring	-84	0	0
Total, direct obligations	\$139,916	\$140,000	\$162,359

**OFFICE FOR CIVIL RIGHTS****Obligations by Object Classification**  
(dollars in thousands)

Object Class	2023 Actual	2024 Annualized CR	2025 Request	Change from 2024 to 2025
11.10 Full-time permanent	\$72,811	\$74,514	\$89,135	\$14,621
11.31 Full-time temporary	1,492	1,100	1,135	35
11.32 Part-time	856	962	993	31
11.33 Consultants	15	0	0	0
11.51 Overtime	141	60	60	0
11.52 Awards	905	1,093	1,248	155
11.8 Other compensation	0	0	0	0
Compensation subtotal	76,220	77,729	92,571	14,842
12.00 Benefits	27,291	28,690	33,840	5,150
13.1 Benefits for former personnel	0	0	0	0
Comp/benefits subtotal	27,291	28,690	33,840	5,150
21.00 Travel	206	300	300	0
22.00 Transportation of things	6	0	0	0
23.10 Rental payments to GSA	9,941	8,528	7,650	(878)
23.31 Communications	5	10	10	0
23.32 Postage/fees	1	3	3	0
Subtotal 23	9,947	8,541	7,663	(878)
24.00 Printing & reproduction	1	5	5	0
25.1 Advisory and assistance services	0	0	0	0
25.21 Other services	4,022	1091	1,141	50
25.22 Training/tuition/contracts	80	313	313	0
25.30 Goods/services from gov't sources	2,313	3,071	3,076	5
25.71 Operations/maint of equipment	0	1	1	0
25.72 IT services/contracts	19,514	20,092	23,276	3,184
Subtotal 25	25,929	24,568	27,807	3,239
26.00 Supplies	19	42	51	9
31.10 IT equipment/software	130	125	122	(3)
31.30 Other equipment	2	0	0	0
Subtotal 31	132	125	122	(3)
32.00 Building alterations	165	0	0	0
Total, Obligations	139,916	140,000	162,359	22,359

**OFFICE FOR CIVIL RIGHTS****Summary of Changes**  
(dollars in thousands)

2024	\$140,000
2025	162,359
Net Change	+22,359

<b>Increases:</b>	<u>2024 Base</u>	<u>Change from Base</u>
<u>Built in:</u>		
Increase in salaries and benefits, a 2.0 percent pay raise, and projected benefits increases	\$105,326	+\$3,612
<u>Program:</u>		
Increase in salaries and benefits for an increase of 86 FTE	105,326	+16,225
Increase in awards	1,093	+155
Increase in other services	1,091	+50
Increase in goods and services from government	3,071	+5
Increase in supplies	42	+9
Increase in IT services mainly for CRDC, case management modernization, and central IT services	20,092	+3,184
Subtotal, increases		+23,240
<b>Decreases:</b>	<u>2024 Base</u>	<u>Change from base</u>
<u>Built-in:</u>		
Decrease in rent due to space consolidation and reduction efforts	8,528	-\$878
<u>Program:</u>		
Decrease in IT equipment/software	125	-3
Subtotal, decreases		-881
Net Change		+\$22,359

**OFFICE FOR CIVIL RIGHTS**

**Authorizing Legislation**  
(dollars in thousands)

Activity	2024 Authorized	2024 Annualized CR	2025 Authorized	2025 Request
Civil Rights (DEOA)	Indefinite	\$140,000	Indefinite	\$162,359
Total annual appropriation		140,000		162,350

**OFFICE FOR CIVIL RIGHTS****Appropriations History**  
(dollars in thousands)

Year	Budget Estimate to Congress	House Allowance	Senate Allowance	Appropriation
2016 <sup>1</sup>	130,691	\$100,000	100,000	107,000
2017 <sup>2</sup>	137,708	100,000	110,000	108,500
2018 <sup>3</sup>	106,797	108,500	117,000	117,000
2019 <sup>4</sup>	107,438	117,000	125,000	125,000
2020 <sup>5</sup>	125,000	130,000	125,000	130,000
2021 <sup>6</sup>	130,000	132,000	130,000	131,000
2022 <sup>7</sup>	144,000	144,000	144,000	135,500
2023 <sup>8</sup>	161,300	151,300	161,300	140,000
2024 <sup>9</sup>	177,600	105,000	140,000	140,000
2025	162,359			

<sup>1</sup> The levels for House and Senate allowances reflect action on the regular 2016 appropriations bill, which proceeded in the 114<sup>th</sup> Congress only through the House Committee and Senate Committee.

<sup>2</sup> The levels for the House and Senate allowances reflect Committee action on the regular annual 2017 appropriations bill; the Appropriation reflects the Consolidated Act, 2017.

<sup>3</sup> The level for the House allowance reflects floor action on the Omnibus appropriation bill; the Senate allowance reflects Committee action on the regular annual 2018 appropriations bill; the Appropriation reflects the Consolidated Appropriations Act, 2018 (P.L. 115-141).

<sup>4</sup> The levels for the House and Senate Allowance reflect Committee action on the regular annual 2019 appropriations bill; the Appropriation reflects enactment of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 (P.L. 115-245).

<sup>5</sup> The Senate Allowance reflects the Chairman's mark; the Appropriation reflects the Further Consolidated Appropriations Act, 2020 (P.L. 116-94). The level for the House allowance reflects subcommittee action.

<sup>6</sup> The level for the Senate Allowance reflects the Chairman's mark; the Appropriation reflects Division H of the FY 2021 Consolidated Appropriations Act (P.L. 116-260).

<sup>7</sup> The House allowance reflects floor action on the FY 2022 Consolidated Appropriations Act; the Senate allowance reflects the Chairman's mark; and the Appropriation reflects the Consolidated Appropriations Act, 2022 (P.L. 117-103).

<sup>8</sup> The House allowance reflects the regular annual FY 2023 appropriation, which was introduced on the floor; the Senate allowance reflects the Chairman's mark; and the Appropriation reflects the Consolidated Appropriations Act, 2023 (P.L. 117-328).

<sup>9</sup> The House allowance reflects Subcommittee action and the Senate allowance reflects Committee action on the regular annual 2024 appropriations bill; the Appropriation reflects the annualized continuing resolution level.



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## OFFICE FOR CIVIL RIGHTS

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### Significant Items in FY 2024 Appropriations Reports

#### **OCR Combatting Antisemitism, Islamophobia, and Related Forms of Bias and Discrimination**

**Senate:** The Committee is concerned by reports of increased discrimination, including antisemitic harassment, in our Nation's education system. The Committee appreciates the administration's development of the first-ever U.S. National Strategy to Counter Antisemitism and OCR's release of a Dear Colleague letter reminding schools of their legal obligations under title VI to provide all students, including Jewish students, an environment free from discrimination. The Committee urges continued efforts, including timely processing of all complaints, including those relating to antisemitism. Within available resources, OCR should also consider appropriate funding for the work of the Outreach, Prevention, Education & Nondiscrimination Center.

**Response:** With the alarming increase in reports of Antisemitic, Islamophobic, and anti-Arab and related forms of harassment in K-12 and higher education, and with complaints to the Office for Civil Rights (OCR) on these topics more than doubled, OCR, in carrying out our Title VI statutory and regulatory authorities, will continue to take aggressive actions and dedicate substantial efforts to address and prevent such discrimination in our Nation's public schools and postsecondary education institutions.

OCR recently took a number of new actions and released specialized resources to protect students, involve and increase awareness among school and university leaders, and promote learning environments that are safe, equitable, and free from discrimination based on race, color, or national origin, including shared ancestry. In addition to the release of the Dear Colleague Letters of January, May and November 2023, to help schools understand and comply with their legal obligations under Title VI of the Civil Rights Act of 1964, OCR made available education resources and nationwide trainings that advance awareness of the Title VI prohibition of discrimination based on shared ancestry and ethnic characteristics – including for students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian. In response to the rise in Title VI complaints related to shared ancestry discrimination, OCR began to publish regularly a list of elementary and secondary schools and postsecondary institutions that are currently under investigation for discrimination involving such discrimination. OCR also publishes resolutions achieved that address discrimination based on shared ancestry, including Antisemitism and Islamophobia. OCR will continue to develop guidance documents and fact sheets, including as part of the Antisemitism Awareness Campaign, the U.S. National Strategy to Counter Antisemitism and the U.S. National Strategy to Counter Islamophobia and Related Forms of Bias and Discrimination, which is currently in development.

Crucial to our strategy to counter Antisemitism, Islamophobia, and related forms of hate are our enforcement activities. We continue to leverage our limited resources to resolve complaints and provide technical assistance. However, as highlighted in the FY 2025 Budget Request, the recent record increase in complaints exceeds OCR's staffing capacity to resolve them promptly. This Budget Request includes additional staff to assist OCR with closing our staffing gap to further our ability to bring the cases to a timely resolution.

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### OFFICE FOR CIVIL RIGHTS

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2025 Authorization: Indefinite

Budget Authority:

	2024 Annualized CR	2025 Request	Change
Personnel Compensation and Benefits Costs	\$106,419	\$126,411	+\$19,992
Non-Personnel Costs	\$33,581	\$35,948	+\$2,367
Total	\$140,000	\$162,359	+\$22,359
FTE	557	643	+86

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This mission is in alignment with the Department's mission to promote educational excellence and ensure equal access.

OCR ensures that schools and other institutions that receive financial assistance from the Department for education programs and activities comply with the Federal civil rights laws enacted by Congress. Specifically, OCR fulfills its mission by enforcing six civil rights laws and their implementing regulations which prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and ensure equal access to school facilities for certain youth groups. These laws are:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., implementing regulation at 34 C.F.R. Part 100 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., implementing regulation at 34 C.F.R. Part 106 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, implementing regulation at 34 C.F.R. Part 104 (prohibiting disability discrimination);
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 1231 et seq., implementing regulation at 28 C.F.R. Part 35 (prohibiting disability discrimination by public entities, whether or not they receive Federal financial assistance);
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., and its implementing regulation at 34 C.F.R. Part 100 (prohibiting age discrimination); and
- The Boy Scouts of America Equal Access Act of 2002, 20 U.S.C. § 7905, implementing regulation at 34 C.F.R. Part 108 (prohibiting public elementary and secondary schools, local education agencies, and State education agencies from denying equal access or a fair

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opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed as a patriotic society in Title 36 of the United States Code).

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2020	130,000
2021	131,000
2022	135,500
2023	140,000
2024 Annualized CR	140,000

### **FY 2025 BUDGET REQUEST**

For fiscal year 2025, the Administration requests \$162.4 million for OCR, \$22.4 million more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. Funds would support a full time equivalent (FTE) level of 643 and provide resources necessary for OCR to deliver on its statutory and regulatory mandates.

- The Personnel Compensation and Benefits (PC&B) request is \$126.4 million, \$20 million more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The fiscal year 2025 request will support PC&B costs for 643 FTE, which includes 630 FTE for OCR and 13 FTE for centralized FTE costs (e.g., human resources support, facilities management). The 86 additional FTE included in this request will assist OCR in fulfilling its mission of ensuring that our Nation is a place where all students attend and participate in school free from discrimination. Therefore, the majority of the additional FTE will staff enforcement positions.
- The Non-Personnel Costs (excluding Departmental Centralized Services) request of \$9.9 million is \$1 million more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The OCR non-personnel funds will fund the Civil Rights Data Collection (CRDC): \$6.1 million; IT Modernization: \$1.3 million; software support to operate OCR's Case and Activity Management System (CAMS): \$994,000; the Online Discrimination Complaint Form and Back-end Database: \$468,000; and travel: \$300,000.

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- OCR's fiscal year 2025 request includes overhead funding for the Department's Centralized Services totaling \$26.1 million, \$1.4 million more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The increase is largely the result of the Enterprise Cybersecurity Program's mandatory requirements.

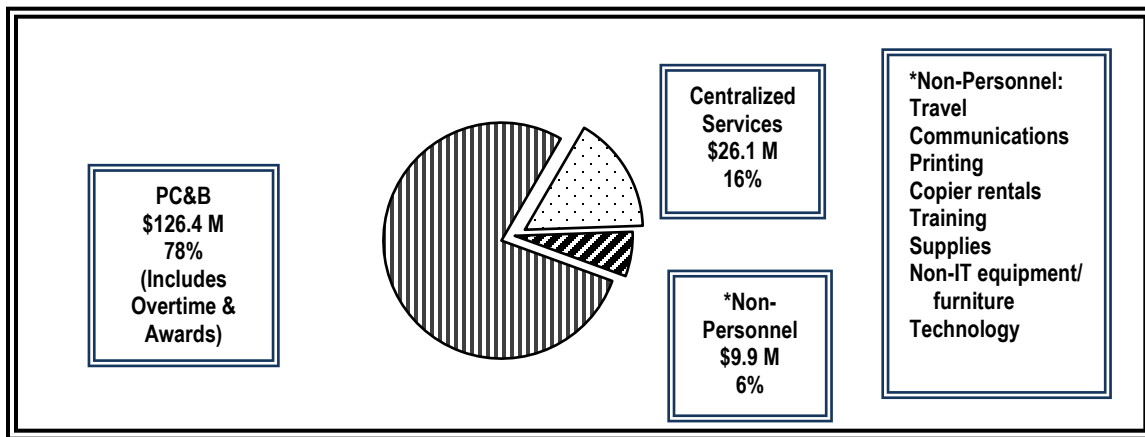
The chart below shows the funding level by category percentage share of the Fiscal Year 2025 request.

### FY 2025 Budget by Category

(dollars in millions)

**Total: \$162.4**

**FTE: 643**

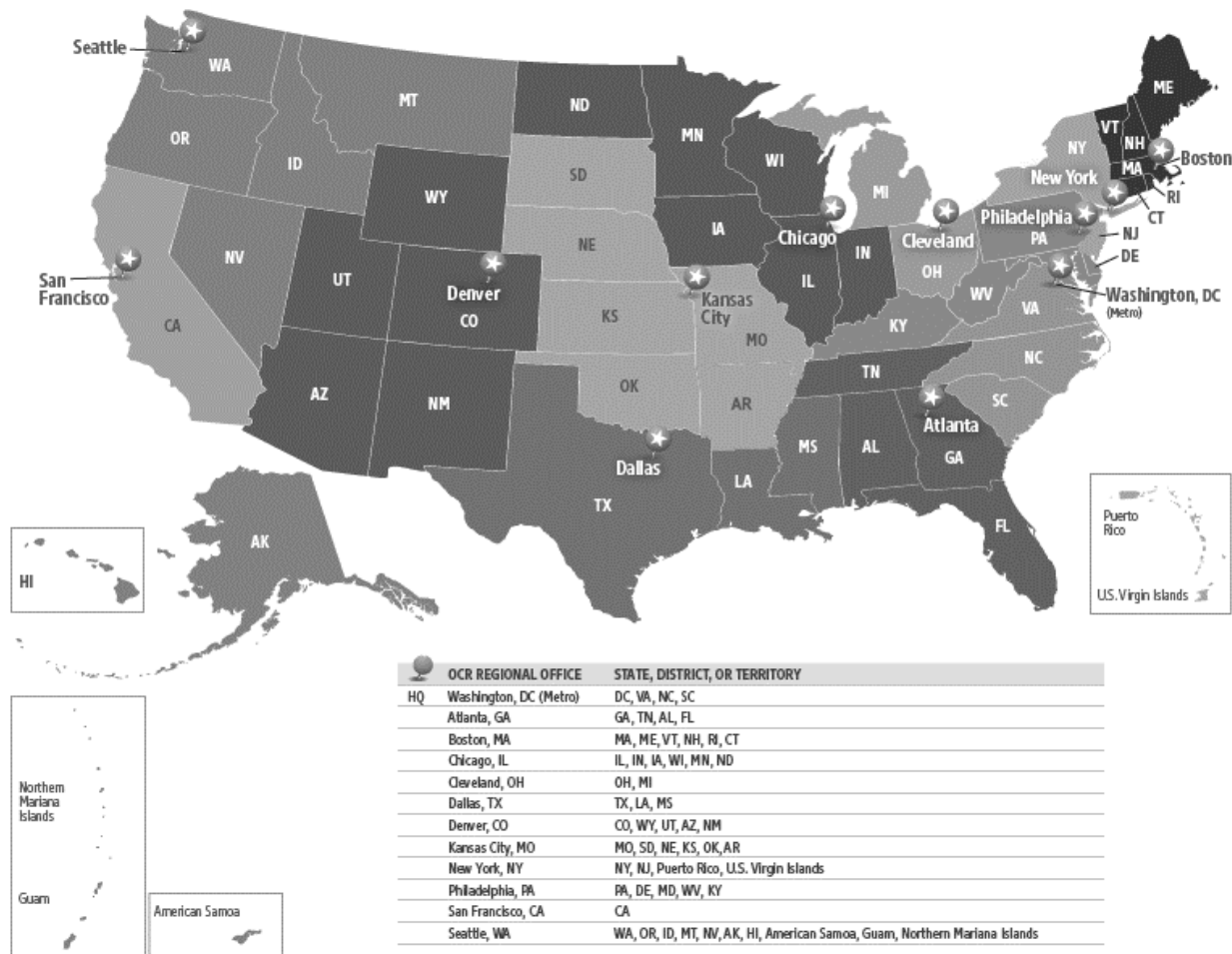


## OFFICE FOR CIVIL RIGHTS

### Organizational Structure and Staffing

#### OFFICE FOR CIVIL RIGHTS 2025 Headquarters and Regional Enforcement Office Locations and Staffing

Regional Enforcement Offices: 547 FTE  
Headquarters: 96 FTE  
Total Staff Level: 643 FTE



The Office for Civil Rights is headed by an *Assistant Secretary* who is appointed by the President and confirmed by the Senate. The staff in the immediate office of the Assistant Secretary include a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy and Development, a Deputy Assistant Secretary for Strategic Operations and Outreach, a Deputy Assistant Secretary for Management and Planning, and a Chief of Staff.

The *Principal Deputy Assistant Secretary* performs functions as assigned by the Assistant Secretary, such as assisting and advising the Assistant Secretary in the overall direction and

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management of the agency, overseeing the development of OCR regulations consistent with statutory authority, and serving as a point of contact to provide information on Civil Rights policy, compliance, enforcement activities, plans and operations.

The *Deputy Assistant Secretary for Enforcement* manages the overall operations of the 12 regional enforcement offices that are responsible for ensuring that recipients of Federal assistance and other covered entities comply with the Federal civil rights laws prohibiting discrimination. Most of OCR's staff work in the agency's 12 regional enforcement offices. Their main function is to investigate complaints from the public that allege a violation of one or more of the statutes that OCR enforces and determine the compliance status of recipients. Time and resources permitting, employees launch proactive investigations of recipients, which are described in more detail below under the *Personnel Compensation and Benefits (PC&B) Costs* section. Enforcement staff also monitor recipients' compliance with voluntary resolution agreements. In addition, they develop and provide technical assistance to foster greater understanding of the statutes that OCR enforces.

The *Deputy Assistant Secretary for Policy* oversees the Headquarters Program Legal Group that provides a range of legal services including developing policy guidance, regulations, and technical assistance materials, consulting on novel cases from the regional enforcement offices, and helping to ensure that civil rights issues are appropriately addressed within the Department's programs and initiatives and among Federal Agencies. The Program Legal Group also administers the Civil Rights Data Collection.

The *Deputy Assistant Secretary for Strategic Operations and Outreach* leads OCR's strategic and operational planning, establishes and maintains effective collaboration with other components of the Department, and ensures effective outreach and communication between OCR and external stakeholders and the public.

The *Deputy Assistant Secretary for Management and Planning* oversees the planning, development, and implementation of budget, operational, and administrative policies for OCR.

The *Chief of Staff*, working on behalf of the Assistant Secretary, coordinates activities related to human resources, budget, operations, communications and outreach, and policy development.

OCR consists of a headquarters office located in Washington, DC and 12 regional enforcement offices. The regional offices are located in Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, Seattle, and Washington, DC, which is co-located with headquarters.

### **Personnel Compensation and Benefits (PC&B) Costs**

OCR accomplishes its mission primarily by responding to complaints and initiating proactive investigations, both of which require significant human capital investments. Proactive investigations include compliance reviews and directed investigations. OCR initiates compliance reviews to assess the practices of recipients and determine whether the practices comply with civil rights laws and regulations. OCR initiates directed investigations when 1) OCR has information that indicates a possible failure to comply with the laws and regulations enforced by OCR, 2) the matter warrants attention, and 3) the compliance concern is not currently being addressed through OCR's complaint, compliance review, or technical assistance activities. The

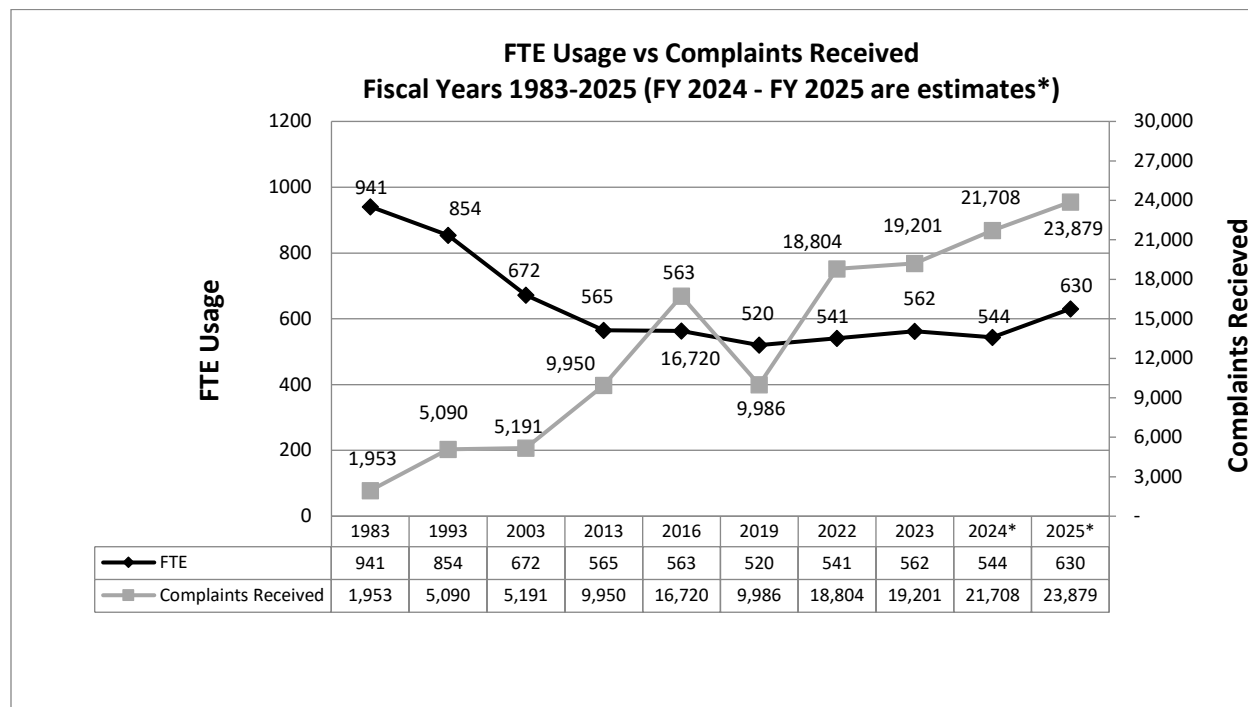


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statutes and implementing regulations enforced by OCR require recipients of Federal financial assistance to ensure nondiscrimination in their programs and activities. The regulations require OCR “to make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply” with laws protecting students from discrimination in academic institutions that receive Federal funding. Therefore, PC&B costs (i.e., staffing) has historically been the largest component of OCR’s budget and a key factor in OCR’s ability to fulfill its mission.

For the fiscal year 2025 Request, PC&B costs are 78 percent of the request, or \$126.4 million, \$20 million more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. As highlighted in the FTE Usage chart below, the additional FTE will allow OCR to incrementally address its mission critical staffing shortages in carrying statutory and regulatory functions. The 643 FTE include 630 FTE for OCR and 13 FTE allocated in support of the department’s centralized support services (e.g., human resources support, facilities management).

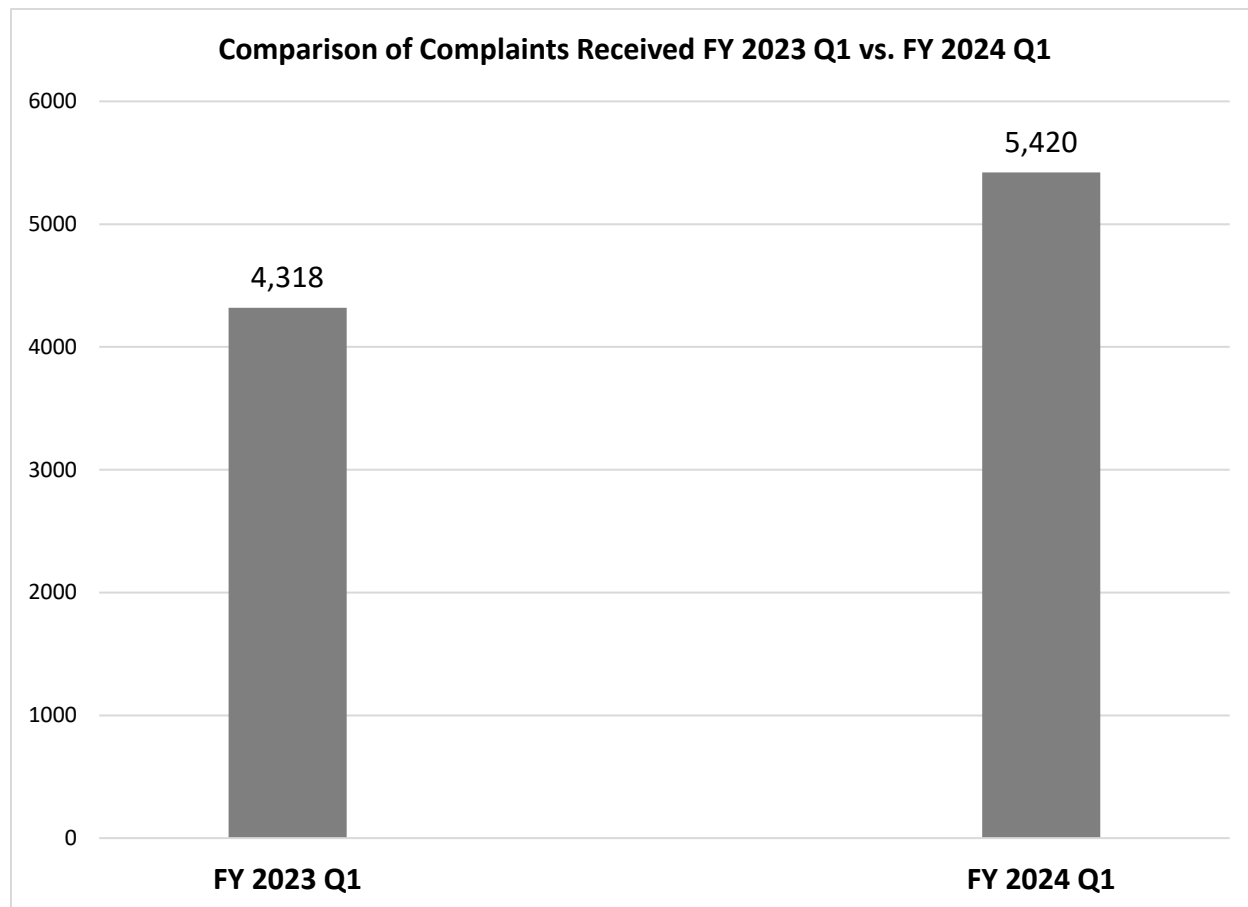
The additional FTE included in the fiscal year 2025 budget request reflects OCR’s commitment and urgent need to address the significant rise in complaints. The *FTE Usage vs. Complaints Received* chart below shows the dramatic progression in OCR’s total complaints nationwide from fiscal year 1983 to fiscal year 2023, and projected complaints in fiscal years 2024 and 2025. The projections are based on recent historical data. The FTE levels exclude 13 FTE OCR funds for centralized support services in fiscal years 2022 through 2025 and 1 FTE funded for the Office of General Counsel in fiscal year 2023.



As shown in the chart above, OCR continues to receive an unprecedented number of total complaints, which has increased 883% since 1983, more than tripled compared to 2003, and

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nearly doubled in the past decade. Even within the last decade, OCR's FTE levels have not kept pace with case demand. From fiscal year 2013 to fiscal year 2023, OCR's FTE decreased by 3, from 565 FTE to 562 FTE. At the same time, the number of complaints received increased by 93 percent, from 9,950 complaints in fiscal year 2013 to 19,201 in fiscal year 2023, which is the highest total complaints received on record.<sup>1</sup> Excluding the 5,590 complaints filed by one complainant, OCR received 13,611 complaints in fiscal year 2023 and anticipates a continued high volume of complaints through fiscal year 2025 (see page 25 for a pie chart displaying the complaint caseload by jurisdiction).

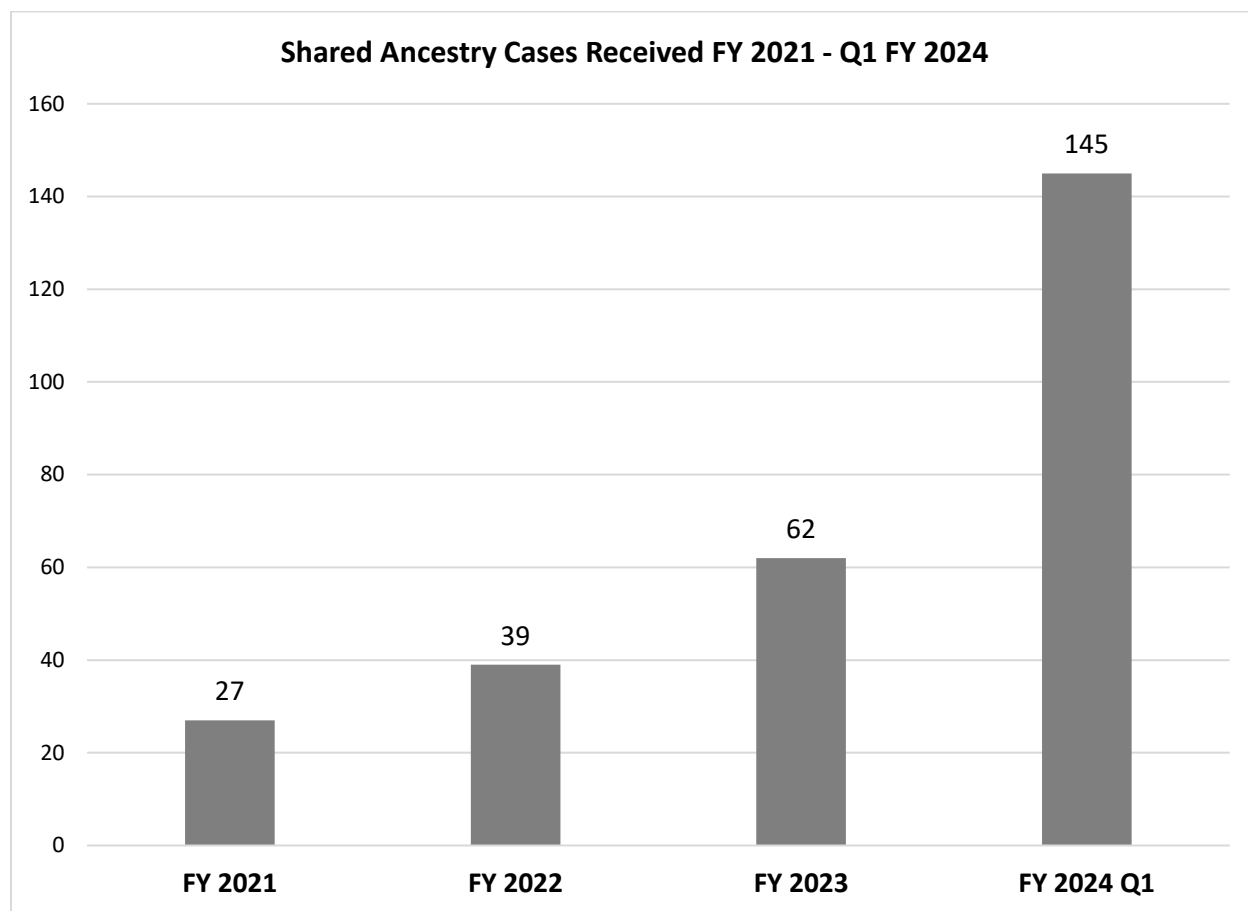


The Complaints Comparison chart above shows the 26% escalation in complaints that OCR received in the first quarter (Q1) of fiscal year 2024 compared to the same period in fiscal year 2023. If this trend persists throughout fiscal year 2025, unless staffing is increased, the total increase in complaints will reach a level that significantly challenges OCR's capacity to effectively and efficiently investigate and resolve cases.

<sup>1</sup> The 19,201 complaints received in fiscal year 2023 included 5,590 complaints that were filed by one complainant. OCR received 18,804 complaints in fiscal year 2022, which was the previous record high and included more than 7,399 complaints filed by a single complainant.



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In addition to addressing complaints in areas like sex and disability discrimination, OCR is further expanding its high priority efforts to both prevent and confront the rising reports of antisemitism as well as anti-Arab discrimination in our Nation's schools and college campuses. These shared ancestry<sup>1</sup> cases are very often complex and fact intensive requiring an extensive investment of staff time. As shown in the chart above, OCR received a significant increase in Title VI shared ancestry complaints in fiscal year 2024 Q1 compared to the total shared ancestry complaints received in Q1 of the three previous fiscal years. For example, the number of shared ancestry cases received in fiscal year 2024 Q1 increased by 437% as compared to the total number of shared ancestry complaints received in all of FY 2021. OCR anticipates that the number of shared ancestry cases filed with OCR will continue to increase, likely through fiscal year 2025 and beyond. As OCR furthers its high priority efforts to both prevent and confront the rising reports of antisemitism as well as anti-Arab discrimination in our Nation's schools and college campuses, OCR recognizes that these cases are very often complex and

<sup>1</sup> Title VI of the Civil Rights Act of 1964 ensures that all students can learn in a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics. Shared ancestry complaints include discrimination against individuals based on their ancestry or ethnic characteristics, including those who are or are perceived to be Jewish, Muslim, Hindu, Sikh or Arab.

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fact-intensive, requiring an extensive investment of staff time. As the volume of these cases rises, it becomes more imperative to increase OCR's enforcement staff.

### *Investing in Enforcement Staff*

OCR's enforcement staff is responsible for the following: (1) resolving complaints of discrimination; (2) conducting directed investigations and compliance reviews; and (3) providing technical assistance to help recipients achieve voluntary compliance with federal civil rights laws.

Of the total additional 86 FTE requested for OCR, at least 77 (90%) FTE will work directly on investigations. OCR's per-staff caseload has substantially increased over the last decade, making the efficient and effective resolution of complaints exceedingly difficult. More manageable caseloads will enhance OCR's ability to resolve cases in a timely manner and improve OCR's capacity to engage in directed investigations and compliance reviews. Table A below shows that the average caseload per staff grew 110 percent from FY 2013 to FY 2023; from 20 cases in 2013 to 42 cases in 2023. Tables A and B exclude the complaints filed by a single complainant from the calculation of caseloads per staff.

**Table A: Caseload per Investigative Staff in FY 2013, FY 2022, and FY 2023**

	FY 2013	FY 2022	FY 2023
<b><i>Number of Attorneys/Equal Opportunity Specialists (excluding managers)</i></b>	366	318	327
Complaints Received & Proactive Investigations Launched	7,453	11,559	13,628
# of cases per investigative staff	20	36	42

OCR is projecting 23,879 complaint receipts in FY 2025. Excluding projected complaints filed by a single complainant, this number is expected to be 22,179 cases. Without staffing increases in FY 2025, the average caseload per investigative staff will become unmanageable at 71 cases per staff (22,179 projected cases divided by 313 investigative staff). As depicted in Table B, based on the projected complaint volume for FY 2025, the additional FTE requested will reduce that per-staff case number from 69 to 57, still a very high yet incrementally lower caseload. For OCR to effectively carry out its mission to enforce civil rights laws, it is critical that Congress appropriate additional resources to bolster OCR's staffing capacity.

**Table B: Impact of Additional FTEs per Investigative Staff Based on 22,179 Cases (Excluding Projected Complaints Filed by a Single Complainant) in FY 2025**

Staff Level	2025 Request
Projected number of Attorneys/Equal Opportunity Specialists (excluding managers) in FY 2024	313
Increased number of Attorneys/Equal Opportunity Specialists	+77
Projected Total for FY 2025	390
# of cases per investigative staff	57

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### *Awards and Overtime*

The Administration is requesting \$1.2 million for awards and \$60,000 for overtime, which is \$155,000 more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The request will cover mandated performance awards for the eligible Senior Executive Service staff and performance-based awards for general schedule employees.

### **Non-Personnel Costs – Non-Centralized Services**

The total request for Non-Personnel activities in fiscal year 2025, excluding Departmental Centralized Services, is \$9.9 million, \$1 million more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The requested Non-Personnel funds will provide program support to resolve complaints of discrimination filed by the public and ensure that institutions receiving Federal financial assistance comply with the civil rights laws enforced by OCR. The fiscal year 2025 request will also support the maintenance, monitoring, enhancement, and hosting of OCR's database investments (i.e., CRDC, CAMS and Online Discrimination Complaint Form), as well as a comprehensive Case Management Modernization project.

### **Information Technology (IT) Non-Personnel Costs**

#### *Civil Rights Data Collection (CRDC)*

The Administration requests \$6.1 million for fiscal year 2025, a decrease of \$367,000 from the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation, to support tasks related to the CRDC. Specifically, this funding request will support data file creation and reporting tasks for the 2023-2024 CRDC, and planning and pre-collection activities for the 2025-2026 CRDC. This request also supports basic operations and maintenance for the collection, and enhancements, including enhanced data visualizations, and web hosting for the CRDC reporting website; the preparation of topic-specific reports on civil rights areas of interest; and the execution of key research and evaluation tasks. New for fiscal year 2025 are data science projects that focus on finding unseen patterns and meaningful information from CRDC datasets by using algorithms, models, and custom analyses. The overall aim of the data science projects is to assist OCR in monitoring and improving CRDC data quality.

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Table C provides an overview of the CRDC budget for fiscal year 2023, fiscal year 2024, and fiscal year 2025.

**Table C: CRDC Budget Overview (FY 2023 – FY 2025)**

SCHOOL YEAR	Activity	FY 2023	FY 2024	FY 2025
	<b>2021-22 CRDC</b>			
2021-22	Post-collection Phase	\$1,706,412	0	0
2021-22	Data File Creation and Reporting	50,000	\$357,288	0
	<b>2023-24 CRDC</b>			
2023-24	Planning and Improvement Phase	\$1,766,978	0	0
2023-24	Pre-collection Phase	746,806	\$974,042	0
2023-24	Collection Phase	0	1,542,028	0
2023-24	Post-collection Phase	0	1,779,622	0
2023-24	Data File Creation and Reporting	0	0	\$385,872
	<b>2025-26 CRDC</b>			
2025-26	Planning and Improvement Phase	0	0	\$2,108,337
2025-26	Pre-collection Phase	0	0	1,251,966
	<b>CRDC Research and Evaluation</b>			
N/A	Data Quality Projects	0	\$255,253	\$275,674
N/A	Data Science Projects	0	0	200,000
	<b>CRDC Reporting Website</b>			
N/A	Operation and Maintenance	\$188,479	\$192,063	\$207,428
N/A	Development, Modernization, and Enhancement	947,152	1,264,067	1,565,192
N/A	Web Hosting	\$58,227	\$60,818	\$63,557
	<b>Total CRDC</b>	<b>\$5,464,054</b>	<b>\$6,425,181</b>	<b>\$6,058,026</b>

OCR administers the CRDC, a mandatory survey of all public-school districts and schools that receive Federal financial assistance from the Department in the 50 states, Washington, D.C., and the Commonwealth of Puerto Rico. In addition to public schools and districts, long-term secure juvenile justice facilities, charter schools, alternative schools, and schools that focus primarily on serving students with disabilities must report data to the CRDC. Since 1968, the Department has collected civil rights data related to access and barriers to educational opportunity from early childhood through grade 12, including student enrollment, access to courses, programs and school staff, and school climate factors, such as bullying, harassment and student discipline. Most data collected by the CRDC are disaggregated by race, ethnicity, sex, disability, and English Learner status.

Other Department offices and federal agencies also benefit from the valuable data within the CRDC to increase awareness around key issues and provide a source of national, state, school district, and school-level data. Furthermore, under Section 1111(h)(1)(c)(viii) of the Elementary and Secondary Education Act (ESEA), as amended in 2015 by the Every Student Succeeds Act (ESSA), as of December 31, 2018, state and educational agencies (SEAs) that receive Title I

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funds are required to include certain CRDC data in their state and local report cards. Specifically, ESSA requires that SEA and public school district report cards include information on measures of school quality, climate, and safety, such as information on: (1) in-school suspensions; (2) out-of-school suspensions; (3) expulsions; (4) school-related arrests; (5) referrals to law enforcement; (6) incidents of violence, including harassment or bullying; and (7) chronic absenteeism. Under ESSA, information must be reported at the state, school district, and school levels.

There are several major tasks associated with the administration of each CRDC that would be supported by the fiscal year 2025 budget request. Each CRDC collection cycle consists of four major phases:

- I. **Planning & Improvement:** This phase includes the implementation of high-priority enhancements to the submission system, the facilitation of training and support, and the preparation and enhancement of technical assistance resources.
- II. **Pre-Collection:** This phase includes tasks executed related to defining the CRDC universe of schools and local educational agencies (LEAs); communicating survey changes and updates to LEAs and the general public, including through any information collection request process; and implementing submission system enhancements.
- III. **Collection:** This phase includes the collection of data, providing technical support to LEAs and SEAs, monitoring system performance and data submissions, and performing data file extracts for data quality analysis.
- IV. **Post-Collection:** This phase includes the evaluation of submission system business rules, and data quality reviews of the final data.

In addition, the CRDC completes tasks that include **Data File Creation and Reporting** related to the creation of the public- and restricted-use data files, CRDC national and state estimates, and informational reports as well as the application of privacy protections to the public-use data files. Other major work includes CRDC Research and Evaluation, which includes projects related to the improvement of the quality, usability, and administration of the CRDC.

Over the last few CRDC cycles, OCR has used these funds to make substantial improvements in both the quality and the usability of the data. For example, OCR has developed analytic reports to assist LEAs in reducing errors, used data to improve submission system business and validation rules, and boosted support provided to LEAs throughout the collection cycle. OCR has also made the data more accessible and user-friendly for the general public, researchers, and policymakers.

The budget also includes funding for the **CRDC Reporting Website**, which hosts the public-use data file, CRDC reports, data analytic tools, and other relevant information for stakeholders. In November 2023, as part of the 2020–2021 CRDC data release, OCR launched the redesigned CRDC website<sup>1</sup>, which now includes an archival tool with access to historical civil rights data from 1968 to 1998. The website enhancements are aligned with the requirements of the 21st Century Integrated Digital Experience Act, P.L. 115-336, which aim to improve the digital experience of those using federal public websites. Currently, OCR is still undergoing

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<sup>1</sup> <https://civilrightsdata.ed.gov>

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modernization efforts to the CRDC reporting website, which includes updates to the user interface, the modernization of data analytic tools, and the inclusion of enhanced data visualizations.

Operation and maintenance tasks are needed to sustain the website's current capabilities, including compliance and management. Development, modernization, and enhancements improve the capability and performance of the website, including the development of innovative data tools and visualization improvements.

### *Case Management Modernization (CMM)*

The Administration is requesting \$1.3 million for CMM in fiscal year 2025. The request will support the modernization of OCR's complaint management system by addressing the inefficiencies in the current disparate legacy systems, to include the Case and Activity Management System (CAMS) and the Online Complaint Form. This fiscal year 2025 budget request will also provide funding to create a single platform solution for complaint filing, tracking, and management that will benefit both internal and external users. The funding will cover the development of a prototype model and of the final system solution, including software development, systems engineering, cloud storage management, as well as data transition from the existing systems to the new, one-stop-shop case management solution.

CAMS was developed in 2002 and the Online Complaint Form was developed in 2003. Since then, various patches and short-term fixes have kept the two systems functioning at a basic level. The current systems are not synched, and the compliant life-cycle process is not seamless from start to finish. The filing of a civil rights complaint is currently done by submitting complaint information online, then printing out this electronically submitted information to uploading it manually into CAMS. Generally, end users experience CAMS as two separate systems – a case docketing/activity log system and a document management system. The system does not have sufficient functionality to operate as an official electronic case repository and is currently not accessible for people with disabilities, as required by Section 508 of the Rehabilitation Act of 1973.

Modernization of OCR's complaint management system would improve efficiency and effectiveness, automate many of the complaint processing activities, provide electronic solutions to reduce paper waste, limit cybersecurity risks, and ensure compliance with Section 508. Moreover, OCR anticipates that the CMM project will yield future cost savings once CAMS and the Online Complaint form are retired.

### *Case Activity Management System (CAMS)*

The Administration requests \$994,000 for CAMS, a decrease of \$66,000 below the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. CAMS is an electronic tracking system used to record the status of past, ongoing, and upcoming cases and store the documents associated with each case. It uses a combination of three software applications: Case Management System, Activity Management System, and Open Text Document Management System with Record Management function. The funding will support contractual services for system operations, maintenance, and enhancements.

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The funding for this project provides for: (a) enhancements to apply business process changes and improve the usage of these core applications, (b) compliance with up-to-date departmental IT environment, and (c) software subscription services to maintain version upgrades and technical phone support on the Open Text products and Matrix Logic add-on modules, and (d) server hosting services. OCR continues to enhance these essential applications for critical unmet needs identified by CAMS' core users.

### *Information Technology Services: **Support for Operations and Maintenance (O&M) for Online Complaint Form and Back-End Database Project***

The Administration is requesting \$468,000, an increase of \$123,000 from the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. Of this request, \$376,000 covers two subtasks in support of the maintenance and general web operations contracting task: (a) General O&M to support OCR's publicly accessible website and database; and (b) the OCR Web Based Collection System document upload project that allows the public to search for and access OCR enforcement resolution letters and agreements entered into on or after October 1, 2013. The remaining \$92,000 will cover the support required for website hosting.

- For subtask (a), O&M covers both the electronic pre-complaint and online complaint forms. The pre-complaint form is an online screening process tool that walks potential complainants through several considerations prior to their submission of a discrimination complaint to OCR. The Online Discrimination Complaint Form is a public facing tool. Therefore, OCR will need to invest in cybersecurity measures to manage the risks of cyber threats to provide the Online Complaint form process in a non-Cold-Fusion software support environment.
- For subtask (b), the OCR Web Based Collection System document upload project involves contracting IT services to upload OCR resolution letters and agreements, policy documents, and other information to the OCR website to provide transparency to the public about OCR enforcement and compliance activities.

### **Non-IT Costs**

#### *Travel*

The Administration requests a travel budget of \$300,000, the same as the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The overwhelming majority of OCR's travel funds are used to investigate complaints. This request will also support travel for conducting proactive investigations, providing technical assistance, monitoring corrective action plans, and training. OCR must ensure that staff and leadership in the enforcement offices are able to receive critical training, civil rights updates, and management skills necessary to improve OCR operations. OCR often uses video teleconference technology to enable communications and conferencing between the enforcement offices and headquarters to reduce the need for costly travel.

#### *Printing*

The Administration is requesting \$5,000 for printing, which is consistent with the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The request will cover necessary



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printed items such as pamphlets highlighting OCR activities in various languages, reports, fact sheets, business cards, and letterhead.

### *Training*

The Administration requests a training budget of \$145,000, the same as the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. OCR's leadership recognizes that the success of its work depends on the quality of its staff across all levels of the organization. The request will support the training needs for staff opportunities to participate in leadership programs, supervisory training, policy conferences, and continuing legal education to fulfill OCR's mission. OCR will also utilize its professional and technical training online when appropriate and cost-effective.

### *Communications and Equipment Repairs and Maintenance*

The Administration is requesting \$11,000 in fiscal year 2025 for communications and equipment repairs and maintenance, the same as fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. These funds are needed for overnight shipping costs and maintenance of copiers and other equipment.

### *Other Services*

The Administration requests \$134,000, in fiscal year 2025 for other services, \$10,000 more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The request supports the reimbursement of attorneys' bar dues; translation and interpretation services (i.e., translating documents and pamphlets into several languages which is different than the printing of documents in different languages); and miscellaneous services for advertisement and short-term contractual services. The increase supports the bar dues for the additional investigative staff.

### *Goods/Services from the Government*

The fiscal year 2025 request includes \$308,000, \$22,000 more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. This request primarily supports legal research totaling \$270,000. OCR's legal research service contract provides an automated full-text legal information system that offers online access to Federal and State case law, statutes of all 50 States, legal publications, and law reports. The \$20,000 increase for fiscal year 20254 will cover the annual escalation in the cost per user and the licenses for the additional investigative staff.

The request also supports Education publications (ED Pubs) totaling \$15,000 and General Services Administration-leased vehicles and equipment totaling \$23,000.

### *Supplies*

The Administration is requesting \$50,000, \$10,000 more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. The request will cover the costs associated with the purchase of supplies and periodical subscriptions relating to law, disabilities, and news. The increase supports supplies for the additional FTE.



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### *IT Equipment/Software*

The Administration is requesting \$53,000, \$4,000 less than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation. This request supports OCR's software requirements related to rulemaking, data collections, and surveys. OCR anticipates that its software usage will decline in fiscal year 2025 compared to fiscal year 2024.

### **Departmental Centralized Support – Non-Personnel Costs**

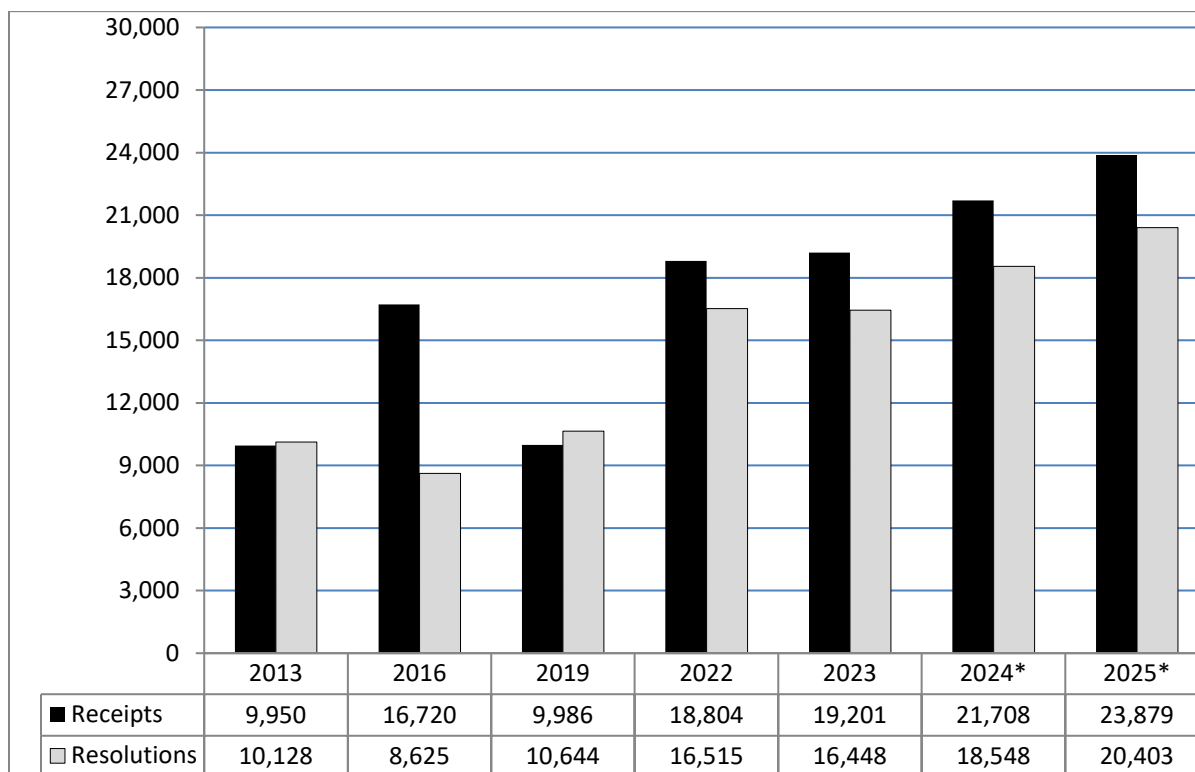
Approximately 73 percent of the total Non-Personnel budget request will cover OCR's share of the Department's centralized services. The request provides \$26.1 million for centralized services, \$1.4 million more than the fiscal year 2024 annualized CR based on the fiscal year 2023 appropriation.

The fiscal year 2025 request will cover the costs of shared services and functions performed by other Federal Agencies or department offices, such as pertaining to facilities and rent; personnel and IT security; records and information management; overtime utilities; telecommunications; IT hardware and software; smartphones; and IT network support.

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**PROGRAM OUTPUT MEASURES**

The following chart shows the number of OCR's complaint receipts and resolutions since fiscal year 2013. Actual data are shown for fiscal years 2013-2023, and estimates are shown for fiscal years 2024-2025.

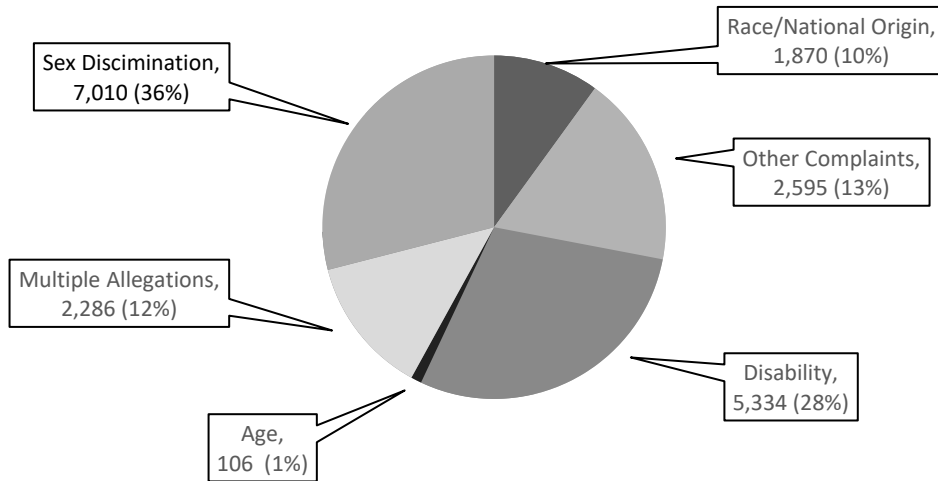
**Complaint Receipts and Resolutions (FY 2013 – FY 2025)**

\*Estimate

OCR continues to experience a pattern of increasingly high case receipts. In fiscal year 2023, complaint receipts hit a record high and increased by 397 compared to the previous year, which had until then been the all-time high in OCR case receipts. Through fiscal year 2025, complaint receipts are projected to remain above the fiscal year 2023 level given the already dramatic increase in complaints during the first quarter of fiscal year 2024.

The *FY 2023 Complaint Caseload by Jurisdiction* pie chart displays the fiscal year 2023 complaint caseload by jurisdiction based on 19,201 cases. Sex discrimination complaints comprise the largest percentage of complaints OCR received, primarily due to one complainant who filed 5,590 sex discrimination complaints. In general, disability discrimination has historically constituted the greatest share of OCR's complaint caseload.

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**FY 2023 Complaints Caseload by Jurisdiction -- 19,201**

The following table provides the trend in number of cases received by jurisdiction during the past 11 years, fiscal years 2013 through 2023.

**Complaint Caseload by Jurisdiction****(Fiscal Years 2013 – 2023)**

<b>Jurisdiction</b>	<b>FY 2013</b>	<b>FY 2016</b>	<b>FY 2019</b>	<b>FY 2022</b>	<b>FY 2023</b>	
<b>Race</b>	1,192	1,294	1,258	1,663	1,870	10%
<b>Sex</b>	2,242	7,068	873	8,704	7,010	36%
<b>Disability</b>	4,272	5,063	4,487	4,934	5,334	28%
<b>Age</b>	125	108	111	105	106	1%
<b>Multiple</b>	1,333	1,655	1,701	2,243	2,286	12%
<b>Other</b>	786	1,532	1,556	1,155	2,595	13%
<b>TOTAL</b>	<b>9,950</b>	<b>16,720</b>	<b>9,986</b>	<b>18,804</b>	<b>19,201</b>	<b>100%</b>

## OFFICE FOR CIVIL RIGHTS

**PROGRAM PERFORMANCE INFORMATION****Performance Measures**

OCR's program performance includes outcomes we achieved related to program goals, measures, and performance targets and data. Integral to the successful execution of OCR's program is the degree to which financial and staffing resources are sufficient to carry out our statutory and regulatory functions. The Federal appropriation that OCR receives is directly tied to our cumulative program results. As case volume increases, the program requires a commensurate, effective ratio of staffing resources to keep pace with achievement of GPRA measures and program targets.

OCR's GPRA measures are designed to assess the efficiency and accessibility of the complaint resolution process. Consistent with the fiscal year 2025 budget request, hiring additional enforcement staff should have a positive impact on performance.

**Current performance measures for complaint workload:**

The performance measures below related to the percentage of complaints resolved and pending reflects results across OCR's entire complaint workload. The first table measures the percentage of complaints received within a fiscal year that were resolved within 180 days, while the second table measures the percentage of complaints 180 days or older from prior years.

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2020	80%	90%
2021	80	87
2022	80	79
2023	80	73
2024	80	
2025	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2020	< 25%	61%
2021	< 25	50
2022	< 25	54
2023	< 25	59
2024	< 25	
2025	< 25	

OCR will continue to prioritize the timely processing of complaints (i.e., resolution of complaints within 180 days) and strive to meet this performance measure in fiscal year 2025 for newly filed complaints. The additional requested FTE are necessary to meet the anticipated growth in complaints in fiscal year 2025 and beyond.

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OCR aims to be a customer-centric and responsive organization. Accordingly, customer satisfaction is a high priority, and an accountability driver in our enforcement program. OCR continues to strive for quality and timeliness, while upholding its mission to vigorously enforce civil rights laws.

**Measure:** Mean score of customer satisfaction survey.

<b>Fiscal Year</b>	<b>Target</b>	<b>Actual</b>
2020	3.66	3.75
2021	3.66	3.35
2022	3.66	3.46
2023	3.66	3.65
2024	3.66	
2025	3.66	

OCR's third performance measure looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of complainants and recipients by OCR staff; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish a target baseline at 3.66 (on a scale of 1 through 5).

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2024 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

### OFFICE FOR CIVIL RIGHTS

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2024 Authorization: Indefinite

Budget Authority:

	2023 Appropriation	2024 Request	Change
Personnel Compensation and Benefits Costs	\$104,052	\$137,600	+\$33,548
Non-Personnel Costs	35,948	40,000	+4,052
Total	\$140,000	\$177,600	+37,600
FTE	571	721	+150

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This mission is in alignment with the Department's mission to promote educational excellence and ensure equal access.

OCR ensures that schools and other institutions that receive financial assistance from the Department for education programs and activities comply with the Federal civil rights laws enacted by Congress. Specifically, OCR fulfills its mission by enforcing six civil rights laws and their implementing regulations which prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and ensure equal access to school facilities for certain youth groups. These laws are:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., implementing regulation at 34 C.F.R. Part 100 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., implementing regulation at 34 C.F.R. Part 106 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, implementing regulation at 34 C.F.R. Part 104 (prohibiting disability discrimination);
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 1231 et seq., implementing regulation at 28 C.F.R. Part 35 (prohibiting disability discrimination by public entities, whether or not they receive Federal financial assistance);
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., and its implementing regulation at 34 C.F.R. Part 100 (prohibiting age discrimination); and

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- The Boy Scouts of America Equal Access Act of 2002, 20 U.S.C. § 7905, implementing regulation at 34 C.F.R. Part 108 (prohibiting public elementary and secondary schools, local education agencies, and State education agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed as a patriotic society in Title 36 of the United States Code).

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2019	\$125,000
2020	130,000
2021	131,000
2022	135,500
2023	140,000

## FY 2024 BUDGET REQUEST

For fiscal year 2024, the Administration requests \$177.6 million for OCR, \$37.6 million more than the fiscal year 2023 appropriation. Funds would support a full time equivalent (FTE) level of 721 and provide resources necessary for OCR to deliver on its statutory and regulatory mandates.

- The **Personnel Compensation and Benefits (PC&B)** request is \$137.6 million, \$33.6 million more than the fiscal year 2023 appropriation. The fiscal year 2024 request will support PC&B costs for 721 FTE, which includes 13 FTE for centralized FTE costs (e.g., human resources support, facilities management). The request also incorporates a proposed 5.2 percent pay raise effective January 2024 and projected benefits increases. The 150 additional FTE included in this request will assist OCR in fulfilling its mission of ensuring that our Nation is a place where all students attend and participate in school free from discrimination. While the bulk of the additional FTE will largely staff enforcement positions, OCR's ongoing policy development and commitment to transparency and improved customer engagement may also necessitate added staffing for OCR's policy, Freedom of Information Act (FOIA), and customer service teams.

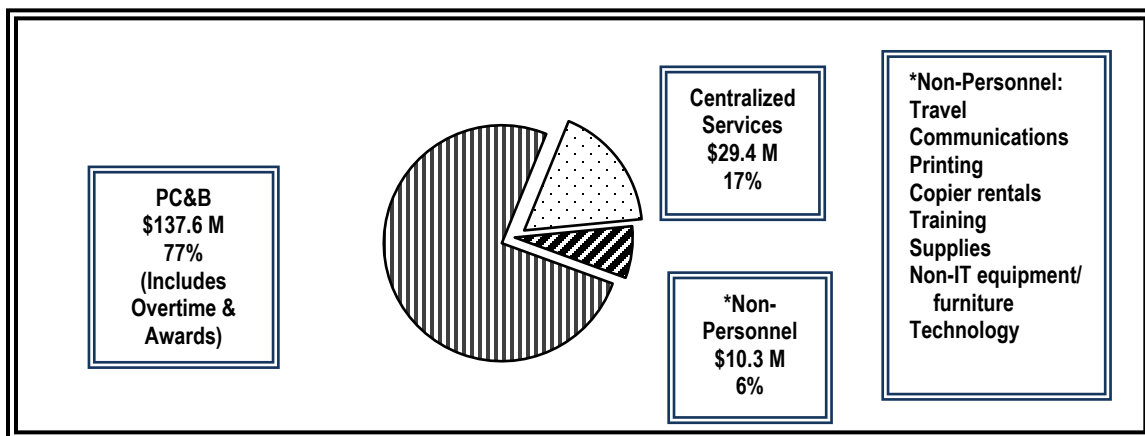


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- The Non-Personnel Costs (excluding Departmental Centralized Services) request of \$10.3 million is \$1.6 million more than the fiscal year 2023 appropriation. The largest portion of OCR non-personnel funds, \$6.2 million, supports the Civil Rights Data Collection (CRDC). Other investments include \$1.5 million for Case Management Modernization, \$509,000 for travel, \$747,000 for software support to operate OCR's Case and Activity Management System (CAMS), and \$345,000 for the Online Discrimination Complaint Form and Back-end Database.
- OCR's fiscal year 2024 request covers its share of the Department's Centralized Services (i.e., overhead) totaling \$29.4 million, \$2.4 million more than the fiscal year 2023 appropriation. The increase is mostly due to the Enterprise Cybersecurity program mandatory requirements and security rent charges.

The chart below shows the funding level by category percentage share of the Fiscal Year 2024 request.

**FY 2024 Budget by Category**  
(dollars in millions)  
**Total: \$177.6**  
**FTE: 721**



## OFFICE FOR CIVIL RIGHTS

**PROGRAM PERFORMANCE INFORMATION****Performance Measures**

This section presents selected program performance information, including, for example, program goals, measures, and performance targets and data. Achievement of program results is based on the cumulative effect of the Federal resources provided for the program as well as the resources and efforts invested by those served by this program.

OCR's GPRA measures are designed to assess the efficiency and accessibility of the complaint resolution process. Hiring additional enforcement staff through fiscal year 2024 request should have a positive impact on performance.

**Current performance measures for complaint workload:**

The first two performance measures below encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. The first table measures the percentage of complaints received within a fiscal year that were resolved within 180 days, while the second table measures the percentage of complaints 180 days or older from prior years.

**Measure:** Percentage of complaints resolved within 180 days.

Fiscal Year	Target	Actual
2019	80%	92%
2020	80	90
2021	80	87
2022	80	79
2023	80	-
2024	80	-

**Measure:** Percentage of complaints pending over 180 days.

Fiscal Year	Target	Actual
2019	< 25%	60%
2020	< 25	61
2021	< 25	50
2022	< 25	54
2023	< 25	-
2024	< 25	-

**Additional information:** OCR will continue to prioritize the timely processing of complaints (i.e., resolution of complaints within 180 days) and expects that it will continue to meet this performance measure in fiscal year 2024 for newly filed complaints. The additional requested FTE are necessary to meet the anticipated growth in complaints in fiscal year 2024 and beyond.

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OCR has not yet met the second performance measure related to the percentage of complaints pending over 180 days but has made progress toward meeting this metric in the fiscal year 2022. OCR continues to strive for quality and timeliness, while upholding its mission to vigorously enforce civil rights laws.

**Measure:** Mean score of customer satisfaction survey.

Fiscal Year	Target	Actual
2019	3.66	3.60
2020	3.66	3.75
2021	3.66	3.35
2022	3.66	3.46
2023	3.66	-
2024	3.66	-

**Additional information:** OCR's third performance measure looks at customer satisfaction, on a scale of 1 through 5, through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of complainants and recipients by OCR staff; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case.

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2023 Budget Request**

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### OFFICE FOR CIVIL RIGHTS

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2023 Authorization: Indefinite

Budget Authority:

	2022 Estimate	2023 Request	Change
Personnel Compensation and Benefits Costs	\$99,835	\$122,607	+\$22,772
Non-Personnel Costs	31,165	38,693	+7,528
Total	\$131,000	\$161,300	+30,300
FTE	575	676	+101

### PROGRAM DESCRIPTION

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OCR ensures that schools and other institutions that receive financial assistance from the Department for education programs and activities comply with the Federal civil rights laws enacted by Congress. Specifically, OCR fulfills its mission by enforcing six civil rights laws and their implementing regulations which prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and ensure equal access to school facilities for certain youth groups. These laws are:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., implementing regulation at 34 C.F.R. Part 100 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., implementing regulation at 34 C.F.R. Part 106 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, implementing regulation at 34 C.F.R. Part 104 (prohibiting disability discrimination);
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 1231 et seq., implementing regulation at 28 C.F.R. Part 35 (prohibiting disability discrimination by public entities, whether or not they receive Federal financial assistance);
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., and its implementing regulation at 34 C.F.R. Part 100 (prohibiting age discrimination); and

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- The Boy Scouts of America Equal Access Act of 2002, 20 U.S.C. § 7905, implementing regulation at 34 C.F.R. Part 108 (prohibiting public elementary and secondary schools, local education agencies, and State education agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed as a patriotic society in Title 36 of the United States Code).

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2018	\$117,000
2019	125,000
2020	130,000
2021	131,000
2022 Estimate	131,000

### FY 2023 BUDGET REQUEST

For fiscal year 2023, the Administration requests \$161.3 million for OCR, \$30.3 million more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. Funds would support an FTE level of 676 and provide resources necessary for OCR to deliver on its statutory and regulatory mandates.

- The **Personnel Compensation and Benefits (PC&B)** request of \$122.6 million is \$22.8 million more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. The fiscal year 2023 Request will support PC&B costs associated with an FTE level of 676, which includes 663 FTE for OCR and 13 FTE for centralized FTE costs (e.g., human resources support, facilities management). The request also incorporates a proposed 4.6 percent pay raise for January 2023 and projected benefits increases. The 101 additional FTE included in this request will assist OCR in fulfilling its mission of ensuring that our Nation is a place where all students attend and participate in school free from discrimination. While the bulk of the additional FTE will likely be staff in enforcement positions, OCR's ongoing policy development and commitment to transparency and improved customer engagement may also necessitate additional staffing of OCR's policy and Freedom of Information Act (FOIA) teams and other positions related to customer service.

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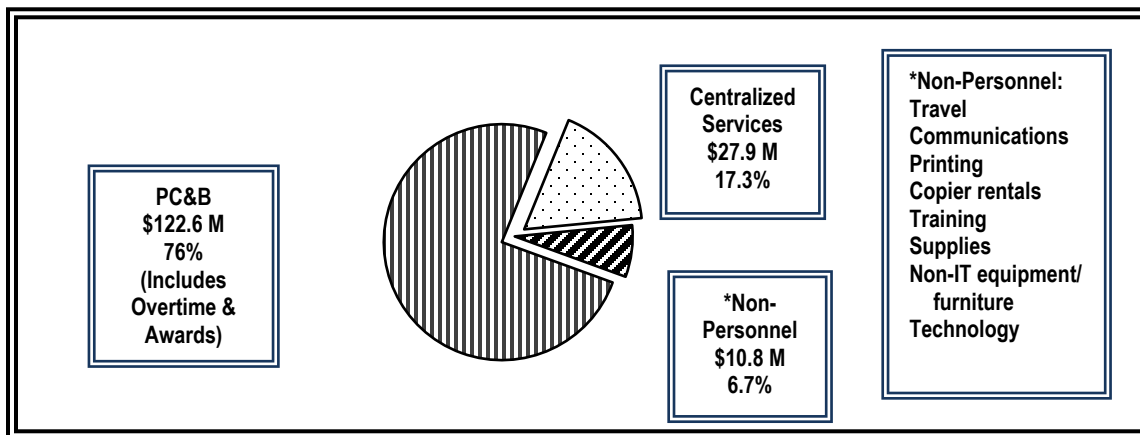
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$10.8 million is \$5.8 million more than a fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. This increase mostly supports additional funds for training, especially for the new FTE who would be hired; travel to investigate complaints; the 2023-24 collections cycle for the Civil Rights Data Collection; the new IT Modernization project; and enhancements to apply business process changes and to improve the usage of the Case and Activity Management System (CAMS). The largest parts of the OCR non-personnel funds are for the Civil Rights Data Collection (CRDC): \$6.4 million; IT Modernization: \$1.6 million; travel: \$802,000; software support to operate OCR's Case and Activity Management System (CAMS): \$574,000; and the Online Discrimination Complaint Form and Back-end Database: \$414,000.
- OCR's fiscal year 2023 Request share of the **Department's Centralized Services (overhead)** is \$27.9 million, \$1.7 million more than the fiscal year 2022 annualized CR level based on the fiscal year 2021 appropriation. The increase is mostly due to the Enterprise Cybersecurity program mandatory requirements and Security rent charges.

The chart below shows the funding level by category percentage share of the Fiscal Year 2023 request.

**FY 2023 Budget by Category**  
(dollars in millions)

Total: \$161.3

FTE: 676



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**PROGRAM PERFORMANCE INFORMATION****Performance Measures**

This section presents selected program performance information, including, for example, GPRA goals, measures, and performance targets and data. Achievement of program results is based on the cumulative effect of the resources provided in previous years, and those requested in fiscal year 2023 and future years, as well as the resources and efforts invested by those served by this program. The Department will be reviewing GPRA program performance goals and measures for OCR for possible revision in future years to ensure alignment with Administration policy.

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. Hiring additional enforcement staff through fiscal year 2023 request should have a positive impact on performance.

**Current performance measures for complaint workload:**

The first two performance measures below encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. The first table measures the percentage of complaints received within a fiscal year that were resolved within 180 days, while the second table measures the percentage of complaints 180 days or older from prior years.

**Measure:** Percentage of complaints resolved within 180 days.

Fiscal Year	Target	Actual
2018	80%	84%
2019	80	92
2020	80	90
2021)	80	87
2022	80	-
2023	80	-

**Measure:** Percentage of complaints pending over 180 days.

Fiscal Year	Target	Actual
2018	< 25%	62%
2019	< 25	60
2020	< 25	61
2021	< 25	50
2022	< 25	-
2023	< 25	-



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**Additional information:** OCR will continue to prioritize the timely processing of complaints (i.e., resolution of complaints within 180 days) and expects that it will continue to meet this performance measure in fiscal year 2023 for newly filed complaints. The additional FTE contemplated by this request are necessary to meet the anticipated growth in complaints in fiscal year 2023 and beyond.

OCR has not yet met the second performance measure but has made progress toward meeting this metric in the fiscal year 2021. OCR continues to strive for quality and timeliness, while upholding its mission to vigorously enforce civil rights laws.

**Measure:** Mean score of customer satisfaction survey.

Fiscal Year	Target	Actual
2018	3.66	3.78
2019	3.66	3.60
2020	3.66	3.75
2021	3.66	3.35
2022	3.66	-
2023	3.66	-

**Additional information:** OCR's third performance measure looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of complainants and recipients by OCR staff; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish a target baseline at 3.66 (on a scale of 1 through 5).

**Department of Education**  
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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2022 Authorization: Indefinite

Budget Authority:

	<u>2021</u>	<u>2022</u>	<u>Change from 2021 to 2022</u>
Personnel Compensation and Benefits Costs	\$99,338	\$108,056	+\$8,718
Non-Personnel Costs	<u>31,662</u>	<u>35,944</u>	<u>+4,282</u>
Total	131,000	144,000	+13,000
FTE	593	623	+30

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This mission is in alignment with the Department's mission to promote educational excellence and ensure equal access.

OCR ensures that schools and other institutions that receive financial assistance from the Department for education programs and activities comply with the Federal civil rights laws enacted by Congress. Specifically, OCR fulfills its mission by enforcing six civil rights laws and their implementing regulations which prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and ensure equal access to school facilities for certain youth groups. These laws are:

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., implementing regulation at 34 C.F.R. Part 100 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., implementing regulation at 34 C.F.R. Part 106 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, implementing regulation at 34 C.F.R. Part 104 (prohibiting disability discrimination);
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 1231 et seq., implementing regulation at 28 C.F.R. Part 35 (prohibiting disability discrimination by public entities, whether or not they receive Federal financial assistance);
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., and its implementing regulation at 34 C.F.R. Part 100 (prohibiting age discrimination); and

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- The Boy Scouts of America Equal Access Act of 2002, 20 U.S.C. § 7905, implementing regulation at 34 C.F.R. Part 108 (prohibiting public elementary and secondary schools, local education agencies, and State education agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)	
2017 .....	\$108,500	
2018 .....	117,000	
2019 .....	125,000	
2020 .....	130,000	
2021 .....	131,000	

### FY 2022 BUDGET REQUEST

For fiscal year 2022 request, the Administration requests \$144.0 million for OCR, \$13.0 million more than the fiscal year 2021 Appropriation. Funds would support an FTE level of 623 and would provide for the resources essential for OCR to deliver on its statutory and regulatory mandates.

- The **Personnel Compensation and Benefits (PC&B)** request of \$108.1 million is \$8.7 million more than the fiscal year 2021 Appropriation. The fiscal year 2022 request will support PC&B costs associated with an FTE level of 623, which includes 610 FTE for OCR and 13 FTE for centralized FTE costs (e.g., human resources support, facilities management). The request also incorporates a proposed 2.7 percent cost of living increase and projected benefits increases. The 30 additional FTE included in this request will assist OCR in fulfilling its mission of ensuring that our Nation is a place where all students attend and participate in school free from discrimination. While the bulk of the additional FTE will likely go towards legal staff in both enforcement and policy positions, OCR's commitment to transparency and improved customer engagement may necessitate additional staffing of OCR's Freedom of Information Act (FOIA) team and other positions related to customer service and the delivery of technical assistance.

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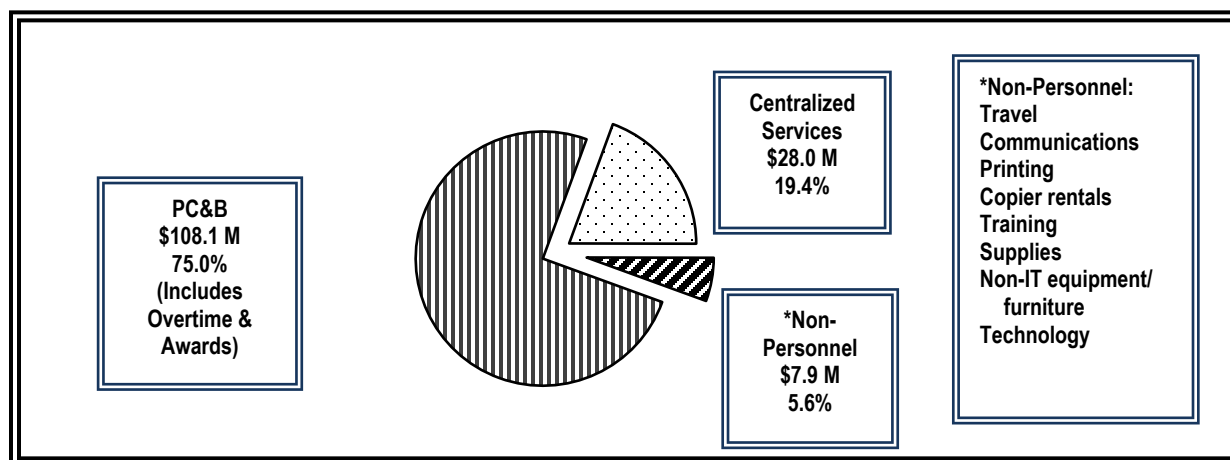
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$7.9 million is \$3.1 million more than fiscal year 2021 Appropriation. Most non-personnel funds are for the Civil Rights Data Collection (CRDC): \$5.3 million; travel: \$719,000; the software support to operate OCR's Case and Activity Management System (CAMS): \$574,000; and the Online Discrimination Complaint Form and Back-end Database: \$422,000.
- OCR's fiscal year 2022 request share of the **Department's Centralized Services (overhead)** is \$28.0 million, \$1.2 million more than the fiscal year 2021 Appropriation.

The chart below shows the funding level by category and the percentage share of the fiscal year 2022 request.

### FY 2022 Budget by Category (dollars in millions)

Total: \$144

FTE: 623



## OFFICE FOR CIVIL RIGHTS

### PROGRAM PERFORMANCE INFORMATION

#### Performance Measures

This section presents selected program performance information, including, for example, GPRA goals, measures, and performance targets and data. Achievement of program results is based on the cumulative effect of the resources provided in previous years, and those requested in fiscal year 2022 and future years, as well as the resources and efforts invested by those served by this program. The Department will be reviewing GPRA program performance goals and measures for OCR for possible revision in future years to ensure alignment with Administration policy.

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. Hiring additional enforcement staff through fiscal year 2022 request should have a positive impact on performance.

#### Current performance measures for complaint workload:

The first two performance measures below encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. The first table measures the percentage of complaints received within a fiscal year that were resolved within 180 days, while the second table measures the percentage of complaints 180 days or older from prior years.

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2017	80%	81%
2018	80	84
2019	80	92
2020	80	90
2021	80	
2022	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2017	< 25%	58%
2018	< 25	62
2019	< 25	60
2020	< 25	61
2021	< 25	
2022	< 25	

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**Additional information:** OCR will continue to prioritize the timely processing of complaints (i.e. resolution of complaints within 180 days) and expects that it will continue to meet this performance measure in fiscal year 2022 for newly filed complaints. In fiscal year 2020, OCR did not fill a number of needed positions across the 12 regional offices, undermining OCR's ability to reduce the backlog of complaints and increasing the risk of delays in evaluating and investigating new complaints. Although OCR has begun to increase hiring in FY 2021, the additional FTE contemplated by this request are necessary to meet the anticipated growth in complaints in FY 2022 and beyond.

OCR has not yet met the second performance measure but has made progress toward meeting this metric in the fiscal years 2019 and 2020. OCR continues to strive for quality and timeliness, while upholding its mission to vigorously enforce civil rights laws.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2017	3.66	3.75
2018	3.66	3.78
2019	3.66	3.60
2020	3.66	3.75
2021	3.66	
2022	3.66	

**Additional information:** OCR's third performance measure looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of complainants and recipients by OCR staff; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish a target baseline at 3.66 (on a scale of 1 through 5).

### Civil Rights and School Reopening

Safeguarding civil rights and equal opportunity is central to our national response to the COVID-19 pandemic and its effects on students, families, and schools. OCR continues to receive and respond to discrimination complaints from students and their parents and guardians. In addition, OCR will continue to take steps to provide information, including:

- In May 2021, OCR issued *Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment*, providing answers to common questions about schools' responsibilities under the civil rights laws. The document was designed to help students, families, schools, and the public support all students' rights in educational environments, including in elementary and secondary schools and postsecondary institutions.
- In the *Executive Order on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers*, President Biden directed OCR to

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author a report on the disparate impacts of the COVID-19 pandemic on students and schools. OCR expects to publish the report in fiscal year 2021.

- Access to date and information is critical to understanding the disparities that students may face in their opportunities and experiences at schools across the country. The CRDC is the single largest database in the United States with leading civil rights indicators from every public school that offers Pre-K through 12<sup>th</sup> grade education. As mentioned above, OCR intends to administer a CRDC for school years 2020-21, 2021-22, and, depending on funding and other factors, 2022-23.

### **Preventing Discriminatory Discipline Practices**

Racial and other disparities in the administration of school discipline, including in the use of exclusionary school discipline policies and practices, tangibly harm our nation's students, particularly students of color, students with disabilities and LGBTQI+ students. OCR hosted a convening in May 2021 exploring these issues and possible solutions, including strategies for addressing harmful and discriminatory school discipline practices and creating positive school climates.

OCR will continue to work on issues of racial equity, as they are core to OCR's mission and a central priority of the Administration, as articulated in the President's *Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.

### **Ensuring an Education Free from Sex-Based Discrimination—including Violence and Harassment**

OCR is actively taking steps to fulfill President Biden's Executive Order on *Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*. This Executive Order states:

"All students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity."

OCR has announced plans for a comprehensive review of agency regulations and other actions under Title IX, including:

- A public hearing, to be held in June 2021, to gather input and insights from students, parents, teachers, faculty members, school staff, administrators and other members of the public on the issues of sexual harassment, including sexual violence, in educational environments, and discrimination based on sexual orientation and gender identity;
- A forthcoming Q&A document to provide additional clarity about how OCR interprets schools' existing obligations under Title IX; and



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- An anticipated public notice of a rulemaking process to explore amendments to the Department's Title IX regulations.

### **Protecting Students from Discrimination on the Basis of Gender Identity and Sexual Orientation**

OCR has also begun action under President Biden's *Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation*, which makes this commitment: "All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation." In this order, President Biden specifically addressed the needs of students, saying that "children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports."

In addition to the public hearing noted above, OCR has also formally withdrawn earlier actions that sought to penalize schools under Title IX for permitting transgender girls to participate in interscholastic athletics competitions and addressed other prior OCR statements that sought to restrict legal protections for transgender students in conflict with the Executive Order. These include a memorandum on the Supreme Court's decision in *Bostock v. Clayton County*, which recognized that sex discrimination protections encompass discrimination based on sexual orientation and gender identity, and an earlier OCR letter that withdrew protections for transgender students. OCR will continue to respond to complaints and engage in compliance reviews and technical assistance activities to protect students from discrimination on the basis of gender identity and sexual orientation.

**Department of Education**  
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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2021 Authorization: Indefinite

Budget Authority:

	<u>2020</u>	<u>2021</u>	<u>Change from 2020 to 2021</u>
Personnel Compensation and Benefits Costs	\$95,112	\$97,165	+\$2,053
Non-Personnel Costs	<u>34,888</u>	<u>32,835</u>	<u>-2,053</u>
Total	130,000	130,000	0
FTE	589	592	+3

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This mission is in alignment with the Department's mission to promote educational excellence and ensure equal access.

OCR's law enforcement function is to ensure that institutions, programs, and activities that receive financial assistance from the Department and other covered entities comply with the Federal civil rights laws enacted by Congress. OCR fulfills this responsibility by enforcing six civil rights laws and their implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and equal access to school facilities for the Boy Scouts of America or other groups identified by Congress as patriotic societies. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local Government services, whether programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

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Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance. Under the Boy Scouts Act, OCR has jurisdiction over public elementary schools, public secondary schools, local educational agencies and State educational agencies that receive funds made available through the Department.

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. More than 80 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2016.....	107,000
2017.....	108,500
2018.....	117,000
2019.....	125,000
2020.....	130,000

### **FY 2021 BUDGET REQUEST**

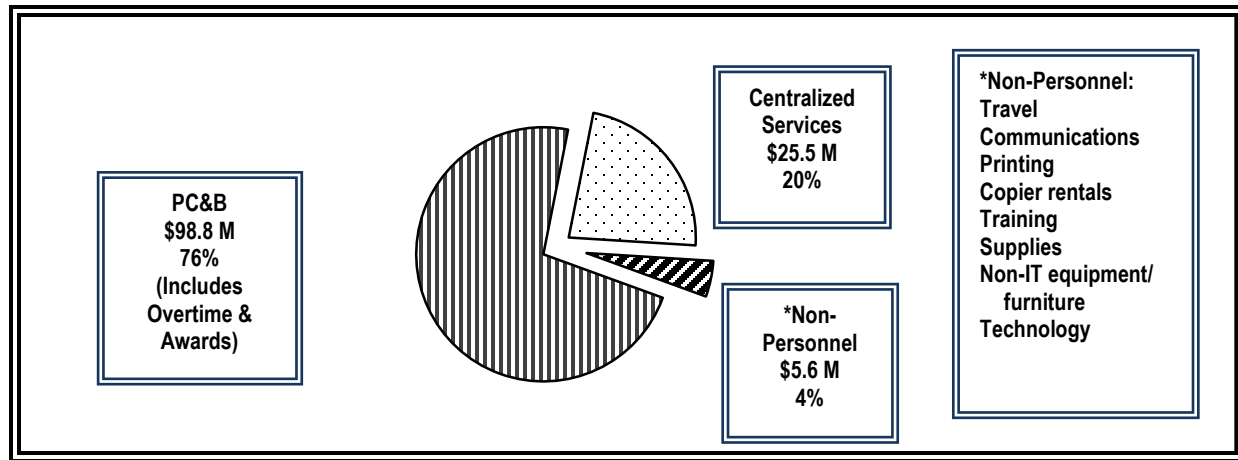
For fiscal year 2021, the Administration requests \$130 million for the OCR, level with the fiscal year 2020 appropriation. Funds would support an FTE level of 592 and would provide for the resources essential for OCR to deliver on its statutory and regulatory mandates.

- The **Personnel Compensation and Benefits (PC&B)** request of \$98.8 million is \$2.2 million more than the fiscal year 2020 appropriation. The fiscal year 2021 request will support PC&B costs associated with an FTE level of 592, an increase of 3 from the fiscal year 2020 level.
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$5.6 million is \$273,000 less than fiscal year 2020 appropriation. Most of non-personnel funds are primarily for the Civil Rights Data Collection (CRDC): \$3.2 million; travel: \$867,000; the Online Discrimination Complaint Form Enhancement System: \$568,000; and the software support to operate OCR's Case and Activity Management System (CAMS): \$360,000.

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- OCR's fiscal year 2021 share of the **Department's Centralized Services (overhead)** is \$25.5 million, \$1.9 million less than the fiscal year 2020 appropriation. The chart below shows the funding level by category and the percentage share of the fiscal year 2021 request.

**FY 2021 Budget by Category**  
 (dollars in millions)  
**Total: \$130.0**  
**FTE: 592**



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**PROGRAM PERFORMANCE INFORMATION****Performance Measures**

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has had some dips in recent years, OCR anticipates performance improving in fiscal years 2019 and 2020 due to the revisions to the Case Processing Manual that are intended to help decrease case processing times. Maintaining a higher number of investigative staff through fiscal year 2020 should also have a positive impact on performance.

**Current performance measures for complaint workload:**

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2016	80%	78%
2017	80	81
2018	80	84
2019	80	92
2020	80	
2021	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2016	< 25%	23%
2017	< 25	58
2018	< 25	62
2019	< 25	60
2020	< 25	
2021	< 25	

**Additional information:** The **first two performance measures** encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to evaluate, investigate and resolve. The first table measure the percentage of complaints received within a fiscal year, while the second table measures the percentage of complaints from prior years.

As a result, OCR has only met one of the two performance goals addressing complaint workload -- the percentage of complaints resolved within 180 days (target 80 percent, actual 92 percent). OCR failed to keep the percentage of complaints pending over 180 days 25 percent or less (target <25 percent, actual 60 percent). Regional enforcement offices now have flexibility to determine the appropriate layers of review. Furthermore, there has been a reduction

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in the types of cases requiring headquarters' review. OCR continues to ensure quality, while upholding its mission to vigorously enforce civil rights laws. For fiscal year 2019, the total number of complaint cases pending for more than 180 days as of September 30, 2019 was 3,297.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2016	3.66	3.73
2017	3.66	3.75
2018	3.66	3.78
2019	3.66	3.60
2020	3.66	
2021	3.66	

**Additional information:** OCR's **third performance measure** looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish a target baseline at 3.66 (on a scale of 1 through 5).

### OCR Initiatives and Activities to Support the Department's Strategic Plan

OCR's mission is linked to the Department's FY 2018-2022 Strategic Plan, specifically Strategic Objective 1.2, in which the Department commits to "provide all P-12 students with equal access to high quality educational opportunities." To meet this objective, the Department will "ensure equal access to education and promote educational excellence across the nation through vigorous enforcement of civil rights and the provision of technical assistance to help schools achieve compliance with the civil rights laws enforced by the Office for Civil Rights."

Regarding Higher Education, the Department also commits in Strategic Objective 2.1 to "support educational institutions, students, parents, and communities to increase access and completion of college, lifelong learning and career, technical and adult education." To achieve this, the Department will work on "enhancing stakeholder relationships by supporting the cultivation of safe environments conducive to lifelong learning by conducting outreach, ensuring Title IX protections and investigating civil rights and Clery Act violations."

OCR is responsible for ensuring educational institutions compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights under these laws. To ensure the success of OCR's responsibilities under these objectives, adequate funding is requested to support the follow initiatives and activities.

### Initiative to Address the Inappropriate Use of Restraint and Seclusion

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In fiscal year 2019, Secretary Betsy DeVos announced a major initiative to address the possible inappropriate use of restraint and seclusion in our nation's schools. The Office for Civil Rights (OCR), in partnership with the Office of Special Education and Related Services (OSERS), led the proactive initiative to protect children with disabilities by providing technical assistance and support to schools, districts, and state education agencies, and strengthen enforcement activities.

The initiative included components that help schools and districts understand how federal law applies to the use of restraint and seclusion—and also supported schools seeking resources and information on the appropriate use of interventions and supports to address the behavioral needs of students. The initiative included three primary components: 1) Compliance Reviews; 2) CRDC Data Quality Reviews; and 3) Support for Recipients.

As a part of this proactive initiative, OCR's 12 regional enforcement offices conducted compliance reviews on recipients' use of restraint and seclusion on children with disabilities. The compliance reviews focused on the possible inappropriate use of restraint and seclusion—and how the effect of such practices on a recipient's obligation to provide a free appropriate public education (FAPE) for all children with disabilities. Through the compliance reviews, OCR worked with public schools to correct noncompliance.

Additionally, OCR's proactive initiative focused on raising awareness of the importance of data quality. As a part of the initiative, OCR conducted data quality reviews of CRDC information submitted by school districts that reported zero values, or no incidents, in their restraint and seclusion data for the 2015-16 CRDC. OCR contacted 50 school districts—four districts from each of OCR's 12 enforcement regions, and the two districts with large identical restraint and seclusion values and asked the school districts to review their data and respond to OCR in writing to explain whether the data are complete and accurate or need to be amended. The data quality aspect of the initiative is the first major effort of its kind; never-before has OCR focused on data quality as a part of a major compliance initiative.

OCR provided general support to recipients, through the provision of technical assistance, on the legal requirements of Section 504 of the Rehabilitation Act relating to the use of restraint and seclusion on children with disabilities. OCR also partnered with OSERS to support recipients in understanding how the legal requirements of Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA) informs the development and implementation of policies governing the use of restraint and seclusion.

### **Website Accessibility**

OCR enforces Section 504 of the Rehabilitation Act of 1973 and—if the institution is a public entity—Title II of the Americans with Disabilities Act of 1990. Both statutes relate to discrimination against individuals with disabilities. Among other things, these laws require educational institutions to ensure that individuals with disabilities have an equal opportunity to participate in the institution's programs and activities, including if those programs are offered digitally – e.g., through their websites.



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In fiscal year 2018, OCR launched a new technical assistance initiative to assist recipients in making their websites and online programs accessible to individuals with disabilities, as required by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. Through webinars, OCR provided information technology professionals with vital information on website accessibility, including guidance for making online programs accessible. These webinars reached more than 3,000 individuals from more than 100 different locations. In all, OCR organized and led 19 webinars on website accessibility, a 58 percent increase over the 12 such webinars OCR conducted in fiscal year 2017.

In addition, OCR increased enforcement activities related to website accessibility. In recent years, a single individual filed over two thousand complaints related to the accessibility of educational institutions' websites to individuals with disabilities. OCR has already resolved hundreds of these complaints with resolution agreements and will continue to investigate hundreds more through the vehicle of directed investigations into fiscal year 2021.

### **Revised Case Processing Manual**

OCR is continually focused on evaluating case processing systems to ensure that students' and families' rights are fully protected, and that the agency is positioned to vigorously enforce federal civil rights laws. The key OCR document for ensuring these protections and enforcement is OCR's Case Processing Manual (CPM). The CPM provides OCR with the procedures to promptly and effectively investigate and resolve complaints, compliance reviews and directed investigations to ensure compliance with the civil rights laws and regulations enforced by OCR.

On November 19, 2018, OCR announced additional improvements to its CPM. Among other things, the new CPM did the following:

- Added provisions requiring consideration of whether the underlying conduct at issue might be protected by the Constitution, including by the First Amendment, and ensuring that any resolution agreement comports with First Amendment principles;
- Eliminated a provision, Section 108(t), under which OCR had been able to dismiss a complaint if it were part of a pattern of complaints that places an unreasonable burden on OCR's resources;
- Eliminated a provision, Section 108(g), which had required dismissal of allegations that could have been raised in a currently pending proceeding in another forum;
- Re-instituted an appeals process, giving complainants a 2-tiered process to appeal dismissals involving substantive legal issues and findings of insufficient evidence;
- Instituted Quality Assurance Reviews to ensure consistency across OCR regional enforcement offices and included internal OCR benchmarks to ensure accountability for high quality and consistency;
- Clarified the appropriate use of statistical data; and
- Clarified that OCR may attempt to resolve a complaint with recipients before the complaint has been officially opened for investigation

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2020 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2020 Authorization: Indefinite

Budget Authority:

	<u>2019</u>	<u>2020</u>	<u>Change</u>
Personnel Compensation and Benefits			
Costs	\$93,575	\$92,992	-\$583
Non-Personnel Costs	<u>31,425</u>	<u>32,008</u>	<u>+583</u>
Total	125,000	125,000	0
FTE	625	619	-6

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This mission is in alignment with the Department's mission to promote educational excellence and ensure equal access.

OCR's law enforcement function is to ensure that institutions, programs, and activities that receive financial assistance from the Department and other covered entities comply with the Federal civil rights laws enacted by Congress. OCR fulfills this responsibility by enforcing six civil rights laws and their implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and equal access to school facilities for the Boy Scouts of America or other groups identified by Congress as patriotic societies. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local Government services, whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

## OFFICE FOR CIVIL RIGHTS

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Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance. Under the Boy Scouts Act, OCR has jurisdiction over public elementary schools, public secondary schools, local educational agencies and State educational agencies that receive funds made available through the Department.

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. More than 80 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2015.....	100,000
2016.....	107,000
2017.....	108,500
2018.....	117,000
2019.....	125,000

## FY 2020 BUDGET REQUEST

For fiscal year 2020, the Administration requests \$125 million for the OCR, level with the fiscal year 2019 appropriation. Funds would support an FTE level of 619 and would provide for the resources essential for OCR to deliver on its statutory and regulatory mandates.

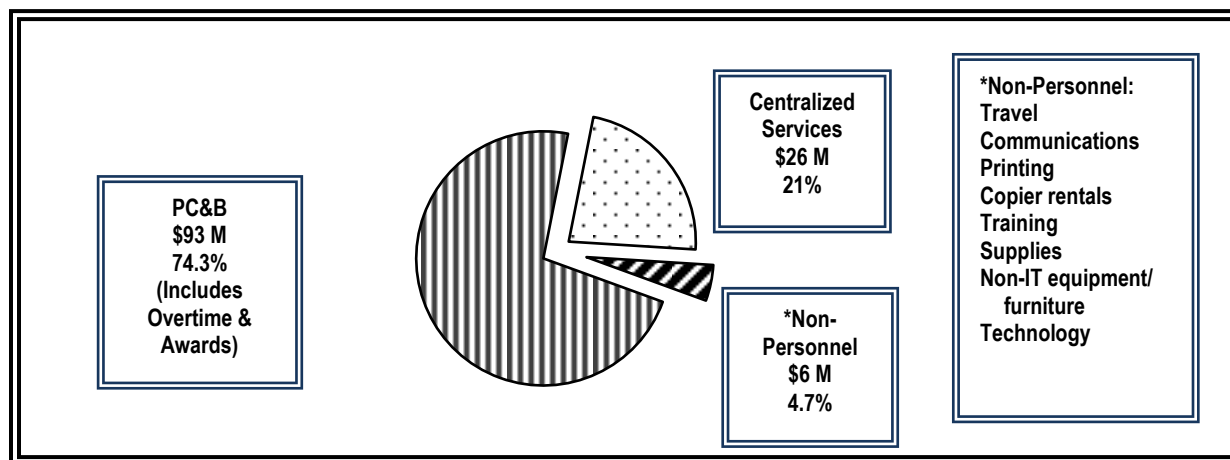
- The **Personnel Compensation and Benefits (PC&B)** request of \$93.0 million is \$583,000 less than the fiscal year 2019 appropriation. The fiscal year 2020 request will support PC&B costs associated with an FTE level of 619, a decrease of 6 from the fiscal year 2019 level.
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$5.8 million is \$210,000 less than fiscal year 2019. The majority of non-personnel funds are primarily for the Civil Rights Data Collection (CRDC): \$3.6 million; software support to operate OCR's Case and Activity Management System (CAMS): \$612,000; travel: \$684,000; and the Online Discrimination Complaint Form Enhancement System: \$343,000.
- OCR's fiscal year 2020 share of the **Department's Centralized Services (overhead)** is \$26.2 million, \$793,000 more than the fiscal year 2019 appropriation. The chart below shows the funding level by category and the percentage share of the fiscal year 2020 request.

## OFFICE FOR CIVIL RIGHTS

### FY 2020 Budget by Category (dollars in millions)

Total: \$125.0

FTE: 619



On November 19, 2018, OCR released a revised Case Processing Manual (CPM). The revised CPM included key revisions aimed at further improving OCR's investigative processes and procedures, while prioritizing effectiveness and efficiency. Specifically, revisions to the CPM also restore appeals for complainants, who may appeal findings of insufficient evidence, as well as certain types of dismissals, and provides recipients with the opportunity to respond to appeals. Revisions to the CPM eliminate former section 108(t), which provided that OCR would dismiss a complaint that is part of a pattern of complaints that places an unreasonable burden on OCR's resources. Moreover, OCR is implementing post-case closure Quality Assurance Reviews to assure consistency and quality in case processing among the 12 regional offices. Finally, revisions to the CPM make clear that as a threshold issue and throughout the processing of the complaint, OCR interprets its statutes and regulations consistent with the requirements of the First Amendment.

From March 5, 2018 through August 3, 2018, OCR dismissed 7,979 complains, closed 723 cases for insufficient evidence, entered into 591 resolution agreements, closed 207 cases through the Facilitated Resolution Between Parties (FRBP) process and resolved 156 cases with changes without agreement. During the same period in 2017, OCR dismissed 5,840 complaints, closed 882 cases for insufficient evidence, entered into 933 resolution agreements, and closed 199 cases through the FRBP process, and resolved 69 cases with change without agreement.

## OFFICE FOR CIVIL RIGHTS

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### PROGRAM PERFORMANCE INFORMATION

#### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has had some dips in recent years, OCR anticipates performance improving in fiscal years 2019 and 2020 due to the revisions to the Case Processing Manual that are intended to help decrease case processing times. Maintaining a higher number of investigative staff through fiscal year 2020 should also have a positive impact on performance.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2015	80%	86%
2016	80	78
2017	80	81
2018	80	84
2019	80	
2020	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2015	< 25%	34%
2016	< 25	23
2017	< 25	58
2018	< 25	62
2019	< 25	
2020	< 25	

**Additional information:** The first two performance measures encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to evaluate, investigate and resolve.

As a result, OCR has only met one of the two performance goals addressing complaint workload -- the percentage of complaints resolved within 180 days (target 80 percent, actual 84 percent). OCR failed to keep the percentage of complaints pending over 180 days 25 percent or less (target <25 percent, actual 62 percent). Regional offices now have flexibility to determine the appropriate layers of review. Furthermore, there has been a reduction in the types of cases requiring headquarters' review. OCR continues to ensure quality, while upholding

## OFFICE FOR CIVIL RIGHTS

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its mission to vigorously enforce civil rights laws. For fiscal year 2018, the total number of complaint cases pending for more than 180 days as of September 30, 2018 was 3,384.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2015	3.66	3.69
2016	3.66	3.73
2017	3.66	3.75
2018	3.66	3.78
2019	3.66	
2020	3.66	

**Additional information:** OCR's **third performance measure** looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish a target baseline at 3.66 (on a scale of 1 through 5).

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2019 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(Department of Education Organization Act, Section 203)

(dollars in thousands)

FY 2019 Authorization: Indefinite

Budget Authority:

	2018 <u>Annualized CR</u>	2019 <u>Request</u>	Change from 2018 <u>Annualized CR</u>
Personnel Compensation and Benefits			
Costs	\$79,128	\$79,272	+\$144
Non-Personnel Costs	<u>28,635</u>	<u>28,166</u>	<u>-469</u>
Total	107,763	107,438	-325
FTE	529	529	0

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This mission is in alignment with the Department's mission to promote educational excellence and ensure equal access.

OCR's law enforcement function is to ensure that institutions, programs, and activities that receive financial assistance from the Department and other covered entities comply with the Federal civil rights laws enacted by Congress. OCR fulfills this responsibility by enforcing six civil rights laws and their implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, age, and a statute that ensures equal access to school facilities for the Boy Scouts of America or other groups identified by Congress as patriotic societies. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local Government services, whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group

## OFFICE FOR CIVIL RIGHTS

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officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

Under Title VI, Title IX, Section 504, and the Age Discrimination Act, OCR has jurisdiction over institutions that receive Federal financial assistance from the Department and institutions for which OCR has been delegated authority from other Federal agencies. Under Title II, OCR has jurisdiction over public elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries, regardless of whether these institutions receive Federal financial assistance. Under the Boy Scouts Act, OCR has jurisdiction over public elementary schools, public secondary schools, local educational agencies and State educational agencies that receive funds made available through the Department.

The six civil rights laws for which OCR has enforcement responsibility extend to a wide range of entities, including: all State educational agencies; local educational agencies; postsecondary institutions, including proprietary schools and community colleges; State vocational rehabilitation agencies and their sub-recipients; as well as libraries, museums, and correctional institutions. More than 80 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### **OCR Program Information**

#### Organizational Structure and Staffing

The Office for Civil Rights is headed by an Assistant Secretary who is appointed by the President and confirmed by the Senate. The staff in the immediate office of the Assistant Secretary may include a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, a Deputy Assistant Secretary for Strategic Operations and Outreach, and a Deputy Assistant Secretary for Management and Operations.

The Principal Deputy Assistant Secretary performs functions as assigned by the Assistant Secretary such as assisting and advising the Assistant Secretary in the overall direction and management of the agency.

The Deputy Assistant Secretary for Enforcement manages the overall operations of the 12 regional offices that are responsible for ensuring that recipients of Federal assistance and other covered entities comply with the Federal civil rights laws prohibiting discrimination. The vast majority of OCR's staff members work in the agency's 12 regional offices. Their main function is to investigate complaints from the public that allege a violation of one or more of the statutes that OCR enforces and to determine the compliance status of recipients. Time and resources permitting, employees launch proactive investigations of recipients, which is described in more detail below on page Z-12 under "Personnel Compensation and Benefits (PC&B) Costs." Enforcement staff also monitors recipients' compliance with voluntary settlement agreements. In addition, they develop and provide technical assistance to foster greater understanding of the statutes that OCR enforces.

## OFFICE FOR CIVIL RIGHTS

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The Deputy Assistant Secretary for Policy oversees the Headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance, technical assistance materials, consulting on novel cases from the regional offices, regulation development, and helping to ensure that civil rights issues are appropriately addressed within the Department's programs and initiatives and among Federal Agencies. The Program Legal Group also has responsibility for administration of the Civil Rights Data Collection.

The Deputy Assistant Secretary for Strategic Operations and Outreach has responsibility for overseeing OCR's strategic and operational planning, establishing and maintaining effective collaboration with other components of the Department, and ensuring effective outreach and communication between OCR and external stakeholders and the public.

The Deputy Assistant Secretary for Management and Operations has the responsibility for overseeing and directing areas of planning, developing, and implementing budget, operational, and administrative policy for OCR.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2014.....	\$98,356
2015.....	100,000
2016.....	107,000
2017.....	108,500
2018.....	107,763

### FY 2019 BUDGET REQUEST

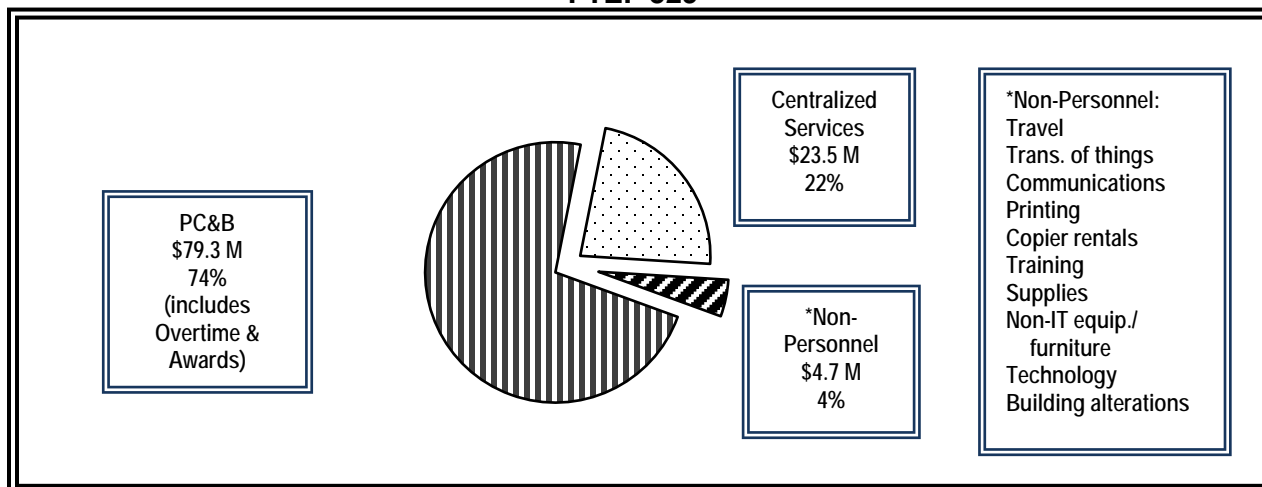
For fiscal year 2019, the Department requests \$107.4 million for the Office for Civil Rights (OCR), supporting an FTE level of 529, a decrease of \$325,000 below the fiscal year 2018 Annualized Continuing Resolution (CR) level. This funding request supports the resources essential for OCR to deliver on its statutory and regulatory mandates.

- The **Personnel Compensation and Benefits (PC&B)** request of \$79.3 million is an increase of \$144,000 over the fiscal year 2018 Annualized CR level. The 2019 request will support PC&B costs associated with an FTE level of 529, increases in employee awards and transit subsidy benefits. To operate within an FTE level of 529 and still handle its caseload, OCR will have to maximize the number of its investigative staff while eliminating non-investigative positions and delayering management. OCR will also have to rethink how it investigates its complaints by revising the current case processing manual to reduce the length of time it takes to process complaints.
- The **Non-Personnel Costs, excluding Departmental Centralized Services** request of \$4.7 million is an increase of \$850,000 over the fiscal year 2018 Annualized CR level. The majority of non-personnel funds are for the Civil Rights Data Collection (CRDC): \$3.5 million; travel: \$405,000; software support to operate OCR's Case and Activity Management System (CAMS): \$310,000; and Online Discrimination Complaint Form Enhancement: \$102,000.

## OFFICE FOR CIVIL RIGHTS

- OCR's fiscal year 2019 share of the **Department's Centralized Services (overhead)** is \$23.5 million, a decrease of \$768,000 below the fiscal year 2018 Annualized CR level.

**FY 2019 Budget**  
**(dollars in millions)**  
**Total: \$107.438**  
**FTE: 529**



For OCR to more efficiently operate to enforce civil right laws with a FTE level of 529 and a budget level of \$107.438 million, OCR revised its Case Processing Manual (CPM) to reduce the length of time it takes to process cases, allowing staff to handle a certain number of cases per investigative staff. OCR seeks to improve the efficiency in which investigative staff process cases to curtail the high volume of complaints that are pending over 180 days. As of March 31, 2017, OCR had 3,696 cases pending more than 180 days. The revised CPM is being implemented in fiscal year 2018 and OCR anticipates seeing a decline in the number of cases pending over 180 days in fiscal year 2019. Efficient case resolution will likely positively impact the ratio of cases per staff in fiscal year 2019, which is currently projected to be 39 cases per staff. Improved case resolution time will enable the investigative FTE to better handle the projected high volume of case receipts in fiscal year 2019.

Additionally, OCR has taken steps to restructure the organization to maximize the number of investigative staff. For example, in fiscal year 2018, OCR identified positions for which it offered Voluntary Early Retirement Authority and Voluntary Separation Incentive Payment (VERA/VSIP). The goal of this offering was to abolish positions associated with outdated position descriptions or for which certain skills were no longer utilized or required. The abolished positions will help reduce OCR's FTE level from 569 to 529 in fiscal year 2018 (a difference of 40 FTE). Of the 529 FTE, OCR is proposing to convert 11 positions from non-investigative to investigative positions in order to ensure an appropriate balance of cases per staff.

OCR is also exploring ways to reduce its overhead costs in centralized services by reducing rent and other costs associated with physical office locations.

## OFFICE FOR CIVIL RIGHTS

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### PROGRAM PERFORMANCE INFORMATION

#### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has had some dips in recent years, OCR anticipates performance improving in fiscal years 2018 and 2019 due to the revisions to the Case Processing Manual that are intended to help decrease case processing times. The anticipated increased ratio of investigative staff in fiscal year 2019 should also have a positive impact on performance.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days (as of September 30, 2017).

Year	Target	Actual
2014	80%	94%
2015	80	86
2016	80	78
2017	80	81
2018	80	
2019	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2014	< 25%	23%
2015	< 25	34
2016	< 25	23
2017	< 25	58
2018	< 25	
2019	< 25	

**Additional information:** The **first two performance measures** encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to evaluate, investigate and resolve.

As a result, OCR has only met one of the two performance goals addressing complaint workload -- the percentage of complaints resolved within 180 days (target 80 percent, actual 81) as of September 30, 2017. OCR failed to keep the percentage of complaints pending over 180 days 25 percent or less (target <25, actual 58). OCR has a plan to address this issue by eliminating unnecessary levels of review.

## OFFICE FOR CIVIL RIGHTS

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**Measure:** Mean score of customer satisfaction survey (as of September 30, 2017).

Year	Target	Actual
2014	3.66	3.79
2015	3.66	3.59
2016	3.66	3.73
2017	3.66	3.75
2018	3.66	
2019	3.66	

**Additional information:** OCR's **third performance measure** looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5). OCR exceeded the target as of December 31, 2016.

### **OCR's Initiatives and Activities to Support the Department's Strategic Plan**

The Department is currently revising its strategic plan. Once the plan is finalized, OCR will demonstrate how its initiatives and activities align with the Department's Strategic Plan. In the meantime, OCR is responsible for ensuring educational institutions' compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights.

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2018 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights (DEOA, section 203)

(dollars in thousands)

FY 2018 Authorization: Indefinite

Budget Authority:

	<u>2017</u> <u>Annualized CR</u>	<u>2017</u> <u>Appropriation</u>	<u>2018</u>	<u>Change from</u> <u>Annualized CR</u>
Personnel compensation and benefits costs	\$81,372	83,261	\$77,493	-\$3,879
Non-personnel costs	<u>25,425</u>	<u>25,239</u>	<u>29,304</u>	<u>+3,879</u>
Total	106,797	108,500	106,797	0
FTE	569	582	523	-46

### PROGRAM DESCRIPTION

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- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local Government services, whether or not programs receive Federal financial assistance); and
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## OFFICE FOR CIVIL RIGHTS

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### **OCR Program Information**

#### Organizational Structure and Staffing

For fiscal year (FY) 2018, the Office for Civil Rights is requesting a staffing level of 523 full-time equivalents (FTE) employment to support its mission. Of the 523 requested, approximately 90 percent will be located in 12 enforcement offices throughout the country, with the remaining 10 percent located in OCR's headquarters office. The headquarters and DC metropolitan enforcement offices are located in Washington, DC, and the remaining 11 regional offices are located in: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and Cleveland.

The Office of Civil Rights is headed by an Assistant Secretary who is appointed by the President and confirmed by the Senate. The staff in the immediate office of the Assistant Secretary may include a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, a Deputy Assistant Secretary for Strategic Operations and Outreach, and a Deputy Assistant Secretary for Management and Operations, depending on which positions the Administration chooses to utilize.

The Principal Deputy Assistant Secretary performs functions as assigned by the Assistant Secretary such as assisting and advising the Assistant Secretary in the overall direction and management of the agency.

The Deputy Assistant Secretary for Enforcement manages the overall operations of the 12 regional offices that are responsible for ensuring that recipients of Federal assistance and other covered entities comply with the Federal civil rights laws prohibiting discrimination. The vast majority of OCR's staff members work in the agency's 12 regional offices. Their main function is to investigate complaints from the public that allege a violation of one or more of the statutes that OCR enforces and to determine the compliance status of recipients. Time and resources permitting, employees launch proactive investigations of recipients, which is

## OFFICE FOR CIVIL RIGHTS

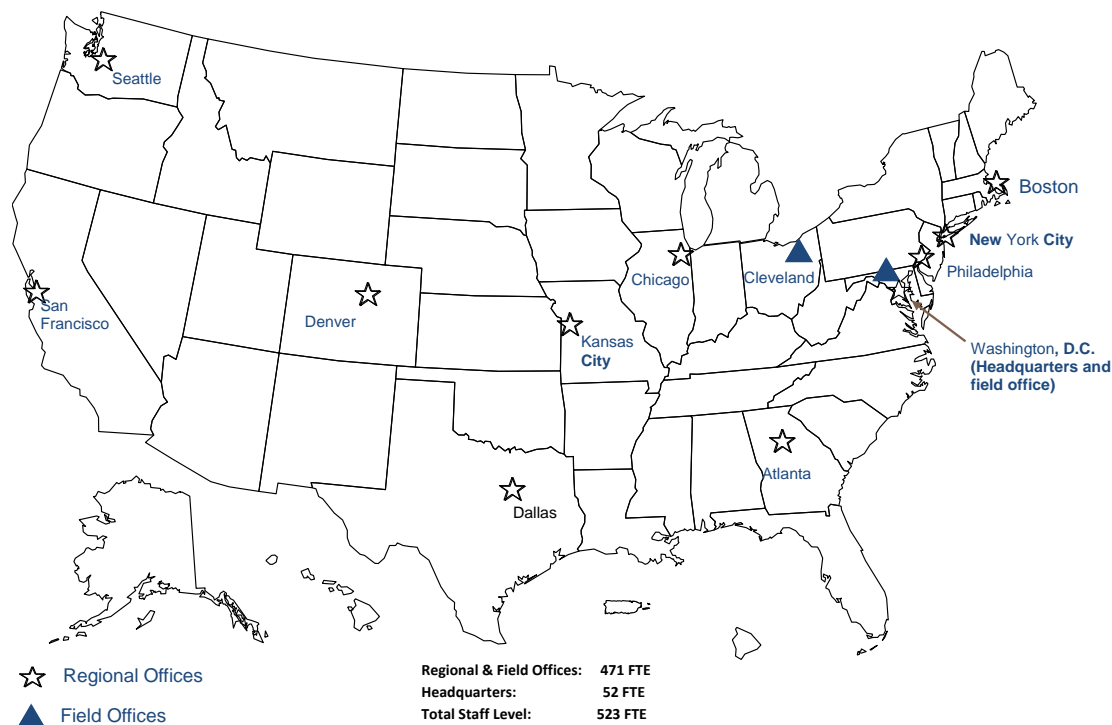
described in more detail below on page Z-11 under “Personnel Compensation and Benefits (PC&B) Costs”. Enforcement staff also monitor recipients’ compliance with voluntary settlement agreements. In addition, they develop and provide technical assistance to foster greater understanding of the statutes that OCR enforces.

The Deputy Assistant Secretary for Policy oversees the Headquarters’ Program Legal Group that provides a range of legal services including: developing policy guidance, developing technical assistance materials, consulting on novel cases from the regional offices, regulation development, and helping to ensure that civil rights issues are appropriately addressed within the Department’s programs and initiatives and among Federal Agencies. The Program Legal Group also has responsibility for administration of the Civil Rights Data Collection.

The Deputy Assistant Secretary for Strategic Operations and Outreach has responsibility for overseeing OCR’s strategic and operational planning, establishing and maintaining effective collaboration with other components of the Department, and ensuring effective outreach and communication between OCR and external stakeholders and the public.

The Deputy Assistant Secretary for Management and Operations has the responsibility for overseeing and directing areas of planning, developing, and implementing budget, operational, and administrative policy for OCR.

### OFFICE FOR CIVIL RIGHTS 2018 Headquarters & Regional Staff



## OFFICE FOR CIVIL RIGHTS

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Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2013.....	98,356
2014.....	98,356
2015.....	100,000
2016.....	107,000
2017.....	108,500

### FY 2018 BUDGET REQUEST

For FY 2018, the Administration requests \$106.797 million for the Office for Civil Rights, supporting an FTE level of 523. This funding request is level with the FY 2017 annualized Continuing Resolution level and supports the resources essential for OCR to deliver on its statutory and regulatory mandates. A full-year 2017 appropriation was not enacted at the time of the FY 2018 Budget was prepared; therefore, the Budget is built off the Further Continuing Appropriations Act, 2017 (P.L. 114-254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution. The Department of Education Appropriations Act, 2017, provided \$108.5 million, an increase of \$1.5 million or 1.4 percent above the 2016 level.

- The Personnel Compensation and Benefits (PC&B) request of \$77.5 million is a decrease of \$3.9 million from the FY 2017 annualized level. The FY 2018 request will support an FTE level of 523, a proposed January 2018 cost-of-living pay raise of 1.9 percent, and associated benefit increases, including transit benefits.
- Non-Personnel costs, excluding centralized services, will be \$4.9 million, an increase of \$2.9 million over the FY 2017 annualized level. The majority of non-personnel funds are for the Civil Rights Data Collection (CRDC): \$3.6 million; software support to operate OCR's Case and Activity Management System (CAMS): \$430,000; Online Discrimination Complaint Form Enhancement: \$102,000; and travel: \$508,000.
- OCR's FY 2018 share of the Department's centralized services (overhead) amount of \$24.4 million reflects an increase of \$1 million above the FY 2017 annualized level due to increases in rent, Information Technology (IT) security, the Department's new Portfolio of Integrated Value-Oriented Technologies (PIVOT) network contract (the replacement to Education Department Utility for Communications, Applications and Technical Environment [EDUCATE]), and physical security.

## OFFICE FOR CIVIL RIGHTS

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### PROGRAM PERFORMANCE INFORMATION

#### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has remained strong over time, OCR anticipates potential difficulty sustaining this degree of performance in the future.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2013	80%	95%
2014	80	94
2015	80	86
2016	80	78
2017	80	
2018	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2013	< 25%	19%
2014	< 25	23
2015	< 25	34
2016	< 25	23
2017	< 25	
2018	< 25	

**Additional information:** The first two performance measures encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to evaluate, investigate and resolve. For FY 2018, given that the number of complaints received is likely to remain at high levels, OCR's GPRA performance may decrease over time.

Because of the increase in complaints, OCR has only met one of the two performance goals addressing complaint workload -- the percentage of complaints pending over 180 days (target <25, actual 23). OCR has failed to meet the 80 percent target level for percentage of complaints resolved within 180 days (target 80 percent, actual 78).

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**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2013	3.66	3.87
2014	3.66	3.79
2015	3.66	3.59
2016	3.66	3.73
2017	3.66	
2018	3.66	

**Additional information:** OCR's **third performance measure** looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5). OCR fell below that threshold in 2015 and was slightly above it in 2016.

### OCR's Initiatives and Activities to Support the Department's Strategic Plan

OCR's mission is specifically linked to the Department's FY 2014–2018 Strategic Plan "Goal 4: Equity", and in particular, "Subgoal 4.2: Civil Rights Enforcement." Under this subgoal, OCR is responsible for ensuring educational institutions' compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights under these laws. To ensure the success of OCR's subgoal under the Department's strategic plan, sufficient funding is needed to support initiatives and activities such as the following:

#### Issuing Policy Guidance

During FY 2016, OCR issued policy guidance documents addressing a range of issues, including the needs of students with attention-deficit/hyperactivity disorder (ADHD), gender equity in career and technical education (CTE), and resource equity concerns to the obligations of schools to designate a Title IX coordinator. (See chart below.) These documents serve to assist recipients of Federal financial assistance and other covered entities in understanding how OCR interprets and enforces Federal civil rights laws. In some instances, the guidance OCR issues directly responds to emerging trends that are of concern as reflected in the CRDC, requests OCR receives for technical assistance, compliance issues in career and technical education programs as identified through the Methods of Administration program, and OCR's own investigations. When appropriate, OCR issues guidance jointly with other civil rights offices, such as the Civil Rights Division at the U.S. Department of Justice (DOJ). Educational institutions may use OCR's policy guidance to help understand the law, adjusting their own policies and practices to enhance civil rights protections for students and avoid civil rights violations, which can reduce the need for OCR enforcement. Students, families, and communities often utilize OCR's guidance to better understand students' civil rights.

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### Policy Guidance Issued in FY 2016

Statute	Issue/Release Date	Description
Title VI	<b>Use of Race/Diversity</b> September 30, 2016	Clarifies the ruling made by the U.S. Supreme Court in Fisher v. University of Texas at Austin (Fisher II) and reiterates the continued support of the Departments of Education and Justice for the voluntary use of race and ethnicity to achieve diversity in education.
Title IX	<b>Voluntary Youth Service Organizations</b> December 15, 2015	Explains the circumstances under which a school district lawfully may work with outside organizations that provide single-sex programming.
	<b>Gender Equity in Career and Technical Education</b> June 15, 2016 (released jointly with Office for Career, Technical, and Adult Education)	Reiterates that all students, regardless of their sex, must have equal access to the full range of Career and Technical Education programs offered.
Section 504/Title II	<b>Attention-Deficit/Hyperactivity Disorder (ADHD)</b> July 26, 2016	Clarifies the obligation of schools to provide students with ADHD with equal educational opportunity.

### Protection of Students with Disabilities

Pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, OCR will continue to ensure that students with disabilities are not discriminatorily denied the opportunity to participate in and benefit from a school district's programs and activities. This includes ensuring that schools properly evaluate students, including students with food allergies and other health impairments, determining technology needs, and giving students with disabilities equitable access to athletic programs and activities. OCR anticipates further engagement regarding protecting students with disabilities from discrimination based on disability.

### Combating Sexual Violence

OCR has focused resources on addressing sexual violence on college campuses. In FY 2014, OCR issued updated guidance on protecting students from sexual violence. OCR received 260 sexual violence complaints at the elementary and secondary and postsecondary levels in FY 2016, up from 128 in 2014 and 227 in 2015. OCR anticipates this work increasing through FY 2018.

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### Reducing Discriminatory Discipline

Addressing school discipline is a key civil rights priority of OCR. In January 2014, OCR and the Department of Justice released a school discipline guidance package<sup>1</sup> to assist States, districts, and schools in developing practices and strategies to enhance school climate and ensure those policies and practices comply with Federal law. The public spotlight on this issue is likely to continue through FY 2018 and produce more discipline-related complaints, investigations, and requests for technical assistance.

### Reducing Racial Isolation and Fostering Voluntary Efforts to Increase Diversity

Racial isolation in U.S. schools remains alarmingly high. Studies show that 80 percent of Latino students and 74 percent of black students are in schools where the majority of students are not white, and 43 percent of Latino students and 38 percent of black students attend "intensely segregated schools" in which white students comprise 10 percent or fewer of the student body<sup>2</sup>. According to the CRDC, schools with the highest concentration of black and Latino students have less access to college- and career-ready courses and opportunities. In December 2011, OCR released two policy guidance letters to assist K-12 schools in voluntary efforts to reduce racial isolation and increase racial diversity, and to assist postsecondary institutions in voluntary efforts to increase racial diversity. Following U.S. Supreme Court cases like *Parents Involved in Community Schools v. Seattle School District* and *Fisher v. University of Texas (Fisher I and Fisher II)*, OCR can provide schools with technical assistance on how they may voluntarily take steps to diversify their student populations in accordance with the law.

### Increase Knowledge of Title IX and Disability Coordinators

OCR's regulations require each recipient (a public or private agency, institution, or organization, to whom Federal financial assistance is extended, which operates an education program or activity which receives such assistance) to designate at least one employee to coordinate its efforts to comply with Title IX and Section 504, including investigations of any complaints of non-compliance the recipient receives. In order to ensure that Title IX coordinators are effectively meeting their Federal obligation to further Federal civil rights, OCR will assess the needs of these coordinators, provide them training and support, and investigate recipients who are not fulfilling their civil rights obligations concerning Title IX coordinators.

### Access to College- and Career-Preparatory Courses

In some school districts, college-prep, International Baccalaureate, and Advanced Placement courses are not equitably available to students of color, English learners, or students with disabilities. OCR will continue to respond to complaints and engage in compliance reviews and technical assistance activities to address discrimination in equal access to programs that prepare students for college or careers.

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<sup>1</sup> <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

<sup>2</sup> <http://civilrightsproject.ucla.edu>.



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### Protection of English Language Learners (ELL)

OCR will continue its enforcement and technical assistance activities to ensure recipients comply with their obligations under Title VI and the Supreme Court's ruling in *Lau v. Nichols* to provide effective access and services to students who are ELL and Limited English Proficiency parents. OCR expects additional engagement through complaint investigations and technical assistance efforts.

### Reduction of Discriminatory Bullying, Harassment, and Violence

OCR continues to experience a high volume of complaints related to harassment and violence on the basis of race, color, national origin, sex, and disability. OCR will continue to ensure that K-12 and postsecondary schools act promptly and equitably to eliminate discrimination.

The following table shows the number of complaints regarding harassment, and violence that were received in the past 6 years, from fiscal years 2011-2016. These complaints involve various jurisdictions. The number of complaints related to bullying, harassment, and violence has increased 45 percent since FY 2011.

**Bullying, Harassment and Violence Complaint Caseload  
(FY 2011 – FY 2016)**

<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
1,170	1,229	1,400	1,355	1,389	1,700



**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2017 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

Office for Civil Rights  
(DEOA, section 203)

(dollars in thousands)

FY 2017 Authorization: Indefinite

Budget Authority:

	<u>2016</u>	<u>2017</u>	<u>Change from 2016</u>
Personnel costs	\$84,177	\$103,169	+\$18,992
Non-personnel costs	<u>22,823</u>	<u>34,539</u>	<u>+11,716</u>
Total	107,000	137,708	+30,708
FTE	589	753	+164

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 18,200 local educational agencies; approximately 7,200 postsecondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### OCR PROGRAM INFORMATION

#### Organizational Structure and Staffing

For fiscal year 2017, the Office for Civil Rights is requesting a staffing level of 753 full-time equivalents to support its mission. Of the 753 requested, approximately 90 percent will be located in 12 enforcement offices throughout the country, with the remaining 10 percent located in OCR's headquarters office. The Headquarters and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located throughout the Nation in 10 regional centers and 1 field office: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and the Cleveland field office.

OCR is headed by an Assistant Secretary. The staff supporting the Assistant Secretary includes a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, a Deputy Assistant Secretary for Strategic Operations and Outreach, and a Deputy Assistant Secretary for Management and Operations.

The Principal Deputy Assistant Secretary is responsible for assisting and advising the Assistant Secretary in the overall direction and management of the agency.

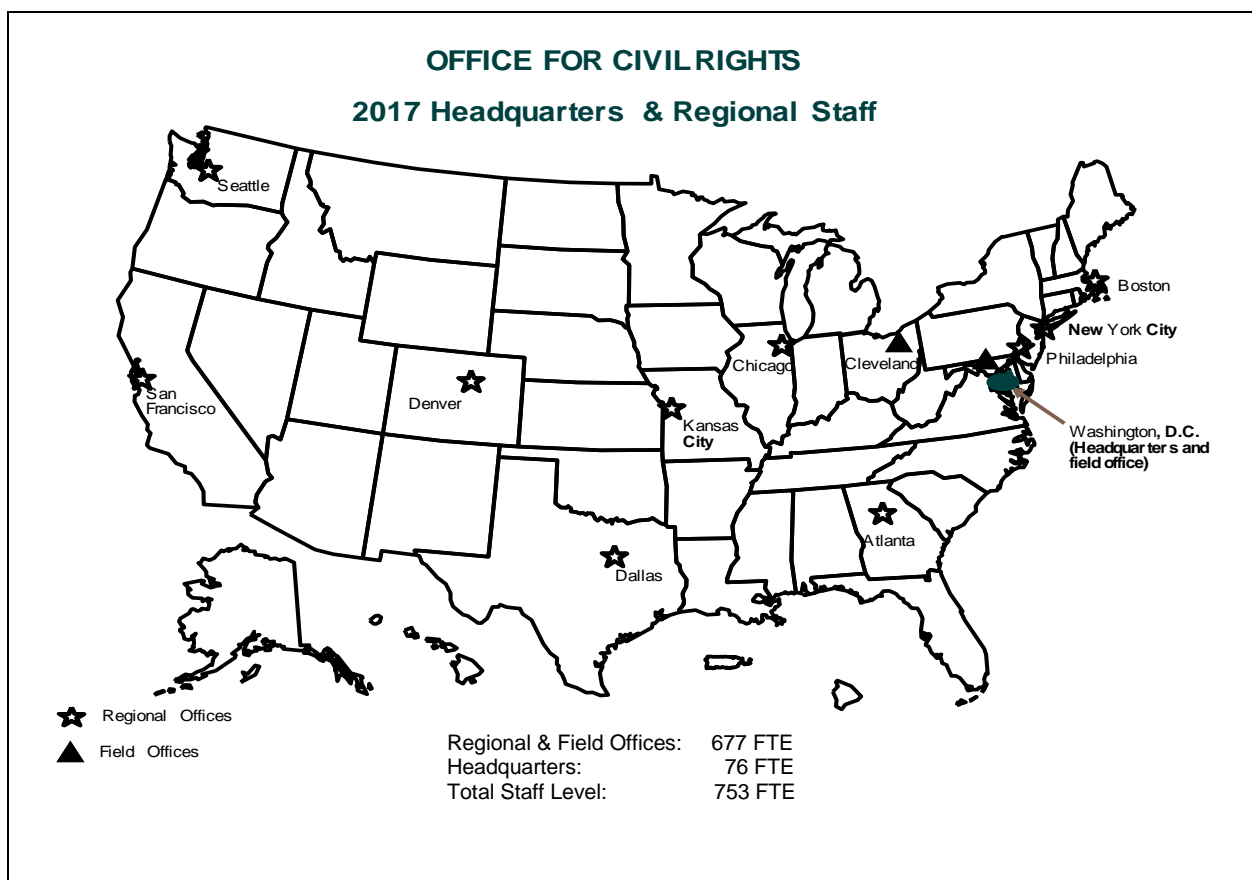
The Deputy Assistant Secretary for Enforcement manages the overall operations of the 12 Enforcement offices that are responsible for ensuring compliance with the Federal civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex, disability, and age. The Enforcement Offices' primary responsibilities are investigating complaints and determining the compliance status of recipients; developing an annual proactive enforcement agenda; conducting proactive investigations and compliance reviews; monitoring recipients' compliance with settlement agreements, and developing technical assistance materials and delivering technical assistance.

The Deputy Assistant Secretary for Policy oversees the Headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance, developing technical assistance materials, consulting on novel cases from the enforcement offices, regulation development, and helping to ensure that civil rights issues are appropriately addressed within the Department's programs and initiatives and among Federal Agencies.

The Deputy Assistant Secretary for Strategic Operations and Outreach has responsibility for overseeing OCR's strategic and operational planning, establishing and maintaining effective collaboration with other components of the Department, and ensuring effective outreach and communication between OCR and external stakeholders and the public.

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The Deputy Assistant Secretary for Management and Operations has the responsibility for overseeing and directing all areas involving OCR's budget, human resources, general operations, administration and management coordination.



### Promoting Efficient Spending to Maximize Civil Rights Enforcement Capacity

Level funding and decreased staffing levels have forced OCR to pare back and streamline some processes in order to address an increasing workload. Additionally, in recent years OCR has taken aggressive measures to improve efficiency in operations:

- OCR developed a Pre-Complaint Online Screening Process to help potential complainants understand the scope of OCR's authority and reduce the number of complaints filed that do not fall under OCR's authority.
- OCR streamlined the resolution of a portion of its disability complaints, which comprise the majority of complaints filed with OCR, by resolving single-issue complaints using expedited case review procedures. This process has reduced staff travel time and costs.
- OCR expanded the use of online communication and surveys to obtain information in investigations, saving time and resources needed for travel and conducting individual interviews.
- OCR analyzed work distribution patterns to ensure all current staff are being fully and equitably utilized.

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- OCR has switched from live training and meetings to more cost-efficient online training and videoconferencing.
- OCR enhanced the Civil Rights Data Collection (CRDC) online data collection tool, reducing data reporting errors and staff time needed to follow up on those errors.

Funding levels for the past 5 fiscal years were:

Fiscal Year	(dollars in thousands)
2012.....	\$102,624
2013.....	98,356
2014.....	98,356
2015.....	100,000
2016.....	107,000

### FY 2017 BUDGET REQUEST

- The total fiscal year (FY) 2017 request for the Office for Civil Rights (OCR) is \$137.7 million, supporting a full-time equivalent (FTE) level of 753. This request is a \$30.7 million, or 29 percent, increase above the FY 2016 level. The majority of the increase is for an additional 164 FTE, which the Department believes is essential for OCR to deliver on its mission of fulfilling the promise of the civil rights laws by ensuring all students equal access to educational opportunities. The FY 2017 increase in FTE is a critical first step to provide OCR the capacity to address current workload. In fact, current data projections and enforcement trends indicate that even more staff may be needed to effectively address anticipated future workload. The Personnel Compensation and Benefits (PC&B) request of \$103.2 million is an increase of \$19.0 million over the FY 2016 level to support an FTE level of 753, a proposed January 2017 pay raise of 1.6 percent, other associated benefit increases, including transit benefits.
- Non-Personnel costs, excluding centralized services, will be \$7.4 million, an increase of \$5.2 million over the FY 2016 level. The majority of non-personnel funds is for the Civil Rights Data Collection (CRDC) (\$4.7 million), software support to operate OCR's Case and Activity Management System (CAMS) (\$255,000), Online Discrimination Complaint Form Enhancement (\$182,000), and travel (\$1.3 million).
- OCR's FY 2017 share of the Department's centralized services (overhead) amount of \$27.2 million reflects an increase of \$6.1 million above the FY 2016 level, due to increases in rent, Information Technology (IT) security, the Education Department Utility for Communications, Applications and Technical Environment (EDUCATE) follow-on contract, background investigations, and physical security.

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### PROGRAM PERFORMANCE INFORMATION

#### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has remained strong over time, OCR anticipates difficulty sustaining this level of performance in future years without sufficient and appropriate funding.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2012	80%	93%
2013	80	95
2014	80	94
2015	80	86
2016	80	
2017	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2012	< 25%	19%
2013	< 25	19
2014	< 25	23
2015	< 25	34
2016	< 25	
2017	< 25	

**Additional information:** The first two performance measures encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to investigate and resolve. For FY 2017, while the number of complaints received is projected to remain at record-high levels, OCR's GPRA performance is projected to decrease over time. In fact, the decrease has already started in 2015. All of OCR's performance measures are less than the previous fiscal years due to an insufficient staffing level to handle OCR's increased workload.

Despite the increase in complaints and decreased staffing, OCR has managed to meet its performance goals for percentage of complaints resolved within 180 days. However, at the same time, because of the increased complaint volume, the number of cases that have been pending more than 180 days has increased. These cases naturally tend to be more complex and also more high profile. In addition, the length of time these cases go without resolution is

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growing. Lastly, in order to meet its performance goals, OCR has also been forced to limit the number of Agency discretionary enforcement activities that it undertakes.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2012	3.66	3.86
2013	3.66	3.87
2014	3.66	3.79
2015	3.66	3.59
2016	3.66	
2017	3.66	

**Additional information:** OCR's third performance measure looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

### OCR's Initiatives and Activities to Support the Department's Strategic Plan

OCR's mission is specifically linked to the Department's FY 2014-2018 Strategic Plan "Goal 4: Equity", and in particular, "Subgoal 4.2: Civil Rights Enforcement." Under this subgoal, OCR is responsible for ensuring educational institutions' compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights under these laws. To ensure the success of OCR's subgoal under the Department's strategic plan, sufficient funding is needed to support initiatives and activities such as the following:

#### Combating Sexual Violence

In January 2014, President Obama established a White House Task Force to Protect Students from Sexual Assault in order to increase sharing of best practices, transparency, enforcement, public awareness, and interagency coordination to prevent violence and support survivors of sexual assault. In April 2014, the Task Force issued a report, <https://www.notalone.gov/assets/report.pdf>, outlining a number of steps to which OCR has committed to improve its enforcement procedures, including instituting time limits on negotiating voluntary resolution agreements (applicable to all OCR investigations), improving visibility on campus during its investigations, and better coordinating enforcement efforts within the Department and with the Department of Justice. During this Administration, OCR has stepped up enforcement to address sexual violence on college campuses, including by fostering investigations and remedies that are comprehensive and systemic in nature. In FY 2014, OCR issued updated guidance on protecting students from sexual violence, after which OCR experienced an uptick in complaints and requests for technical assistance. In FY 2015, OCR received 230 sexual violence complaints, up from 64 in 2013 and 126 in 2014. OCR anticipates this work increasing through FY 2017.

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### Promoting Teacher and Resource Equity

Inequitable access to strong teachers and the resources necessary to succeed are leading contributors to opportunity gaps experienced by low-income and racial and linguistic minority students in America. OCR is committed to reducing the opportunity gaps by vigorously enforcing Title VI to ensure that students of color, English learners and other students who face discriminatory disparities have access to effective teachers and education resources. While this is a priority within the Administration, the elimination of existing disparities is specifically highlighted within the recently reauthorized Elementary and Secondary Education Act. Because of the sheer volume of materials and data involved in investigating such cases, teacher and resource equity investigations are among the most challenging that OCR conducts. These types of investigations require funding for attorneys, investigators, data statistical analysis and entry support, and policy counsel. OCR anticipates allocating more staffing and support to complete these investigations in FY 2017.

### Reducing Discriminatory Discipline

Addressing school discipline is both a key civil rights priority of OCR in FY 2017 and a priority for the entire Administration. In January 2014, OCR and the Department of Justice released a school discipline guidance package (see <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>) to assist States, districts, and schools in developing practices and strategies to enhance school climate, and ensure those policies and practices comply with Federal law. The guidance package included two critical documents related to school discipline: (1) a legal policy guidance ("Dear Colleague Letter") describing educational institutions' obligations to identify and remedy discriminatory school discipline practices under Title VI of the Civil Rights Act of 1964, and (2) a guidance principles document responsive to the President's *Now Is the Time* initiative. The public spotlight on this issue is likely to continue through FY 2017 and produce more discipline-related complaints, investigations, and requests for technical assistance.

### Reducing Racial Isolation and Fostering Voluntary Efforts to Increase Diversity

Racial isolation in U.S. schools remains alarmingly high. Studies show that 80 percent of Latino students and 74 percent of Black students are in schools where the majority of students are not White, and 43 percent of Latino students and 38 percent of Black students attend "intensely segregated schools" in which White students comprise 10 percent or less of the student body. (See <http://civilrightsproject.ucla.edu>.) According to the Civil Rights Data Collection, schools with the highest concentration of Black and Latino students have less access to college- and career-ready courses and opportunities. In December 2011, OCR released two policy guidance letters to assist K-12 schools in voluntary efforts to reduce racial isolation and increase racial diversity, and to assist postsecondary institutions in voluntary efforts to increase racial diversity. Following U.S. Supreme Court cases like *Parents Involved in Community Schools v. Seattle School District* and *Fisher v. University of Texas*, OCR needs further resources in order to provide schools with technical assistance on how they may voluntarily take steps to diversify their student populations in accordance with the law. In FY 2015, OCR also contributed to interagency efforts to foster racial and socioeconomic diversity, including engagement with HUD to explore the relationship between public housing and education and its impact on student diversity. As highlighted through the newly proposed Stronger Together grant



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program and increased prioritization throughout many Departmental programs, we expect additional OCR engagement through technical assistance and other efforts.

### **Increase Knowledge of Title IX and Disability Coordinators**

OCR's regulations require each recipient (a public or private agency, institution, or organization, to whom Federal financial assistance is extended, which operates an education program or activity which receives such assistance) to designate at least one employee to coordinate its efforts to comply with Title IX and Section 504, including investigations of any complaints of non-compliance the recipient receives. OCR is currently collecting from each public school district (through the Civil Rights Data Collection) the name and contact information of these employees. OCR plans to issue guidance on the responsibilities of schools to have trained Title IX coordinators and the duties of those coordinators, which will likely produce additional complaints and requests for technical assistance. In order to ensure that Title IX coordinators are effectively meeting their Federal obligation to further Federal civil rights, OCR will need funds in FY 2017 to assess the needs of these coordinators, provide them training and support, including creating a community of practice, and investigate recipients who are not fulfilling their civil rights obligations concerning Title IX coordinators.

### **Access to College- and Career-Preparatory Courses**

In some school districts, college-prep, International Baccalaureate, and Advanced Placement courses are not equitably available to students of color, English learners, or students with disabilities. OCR will continue to respond to complaints and engage in compliance reviews and technical assistance activities to ensure equal access to programs that prepare students for college or careers.

### **Protection of English Language Learners (ELL)**

OCR will continue its enforcement and technical assistance activities to ensure recipients comply with their obligations under Title VI and the Supreme Court's ruling in *Lau v. Nichols* to provide meaningful access and services to students who are ELL and LEP parents. OCR recently issued guidance on ensuring equitable treatment of and access for ELL students and LEP parents, which will likely produce additional complaints and requests for technical assistance.

### **Protection of Students with Disabilities**

Pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, OCR will continue to ensure that students with disabilities are not denied the opportunity to participate in and benefit from a school district's programs and activities. This includes ensuring that schools properly evaluate students with food allergies and other health impairments, determining technology needs, and giving students with disabilities equitable access to athletic programs and activities. OCR plans to issue further guidance protecting students with disabilities from discrimination, including unfair discipline practices, and restraint and seclusion.

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### Reduction of Discriminatory Bullying, Harassment and Violence

OCR continues to experience a high volume of complaints related to bullying, harassment, and violence on the basis of race, color, national origin, sex (including gender stereotypes and gender-nonconformity), and disability. OCR will continue to ensure that K-12 and postsecondary schools act promptly, vigorously, and equitably to ensure student safety.

The following table shows the number of complaints regarding bullying, harassment, and violence that were received in the past 6 years, from fiscal years 2010-2015. These complaints involve various jurisdictions. The number of complaints increased by 55 percent from 2010 to 2015.

**Bullying, Harassment and Violence Complaint Caseload  
(FY 2010 – FY 2015)**

<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
896	1,170	1,229	1,400	1,355	1,389

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2016 Budget Request**

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### Office for Civil Rights

(DEOA, section 203)

(dollars in thousands)

FY 2016 Authorization: Indefinite

Budget Authority:

	<u>2015</u>	<u>2016</u>	<u>Change from 2015</u>
Personnel costs	\$78,071	\$104,325	+\$26,254
Non-personnel costs	<u>21,929</u>	<u>26,366</u>	<u>+4,437</u>
Total	100,000	130,691	+30,691
FTE	554	754	+200

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### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 16,900 local educational agencies; approximately 7,200 postsecondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### OCR PROGRAM INFORMATION

#### **Organizational Structure and Staffing**

For fiscal year (FY) 2016, the Office for Civil Rights is requesting a staffing level of 754 full-time equivalents to support its mission. Of the 754 requested, approximately 90 percent will be located in 12 enforcement offices throughout the country, with the remaining 10 percent located in OCR's headquarters office. The Headquarters and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located throughout the Nation in 10 regional centers and 1 field office: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and the Cleveland field office.

OCR is headed by an Assistant Secretary. The staff supporting the Assistant Secretary includes a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, and a Deputy Assistant Secretary for Strategic Operations and Outreach.

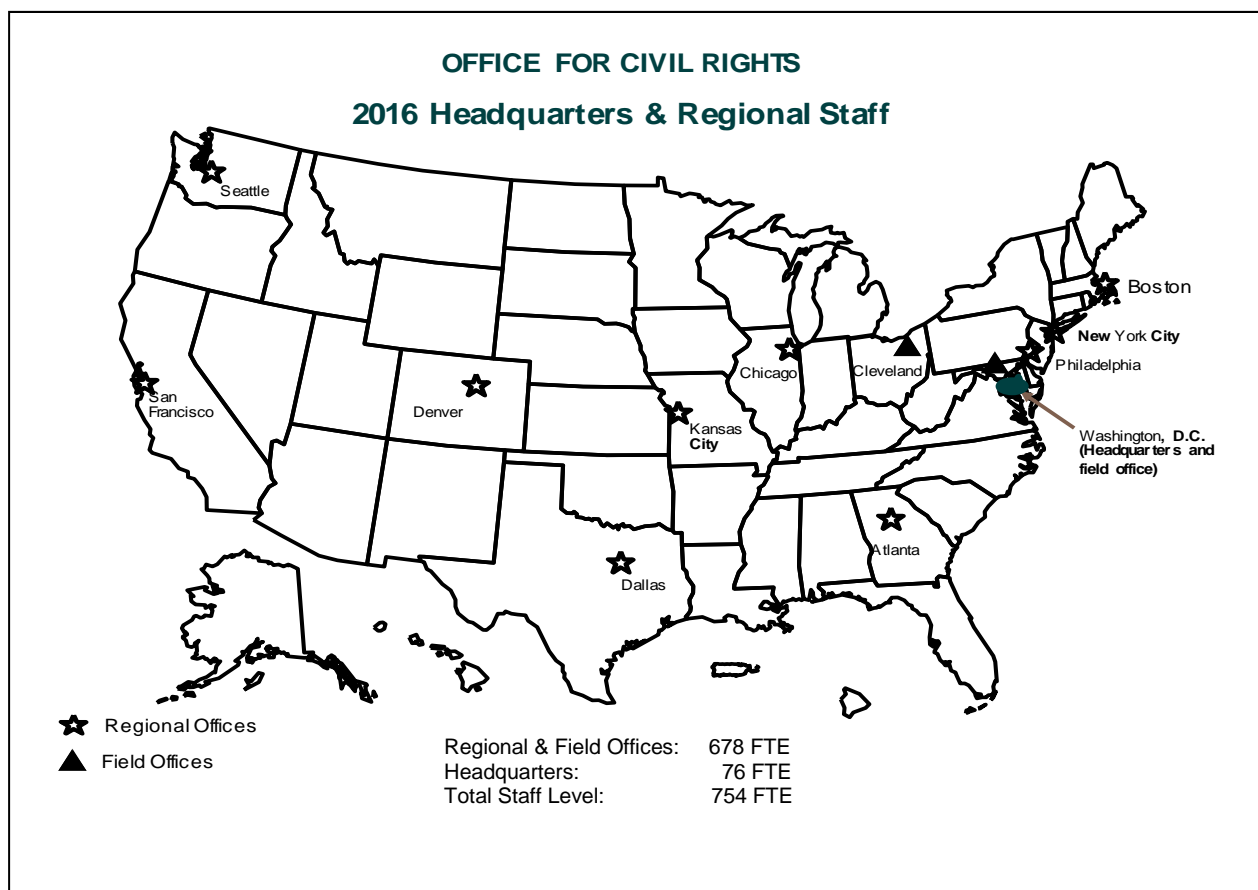
The Principal Deputy Assistant Secretary is responsible for assisting and advising the Assistant Secretary in the overall direction and management of the agency.

The Deputy Assistant Secretary for Enforcement is responsible for overseeing the 12 Enforcement offices and 2 Enforcement Directors who provide day-to-day leadership to those offices. The Enforcement Offices' primary responsibilities are conducting complaint investigations and determining the compliance status of recipients; participating in identifying and setting proactive enforcement priorities, developing an annual proactive enforcement agenda, conducting proactive investigations and determining the compliance status of recipients; monitoring recipients' compliance with settlement agreements, and developing technical assistance materials and delivering technical assistance.

The Deputy Assistant Secretary for Policy oversees the Headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance, developing technical assistance materials, consulting on novel cases from the enforcement offices, regulation development, and helping to ensure that civil rights issues are appropriately addressed within the Department's programs and initiatives and among Federal Agencies.

The Deputy Assistant Secretary for Strategic Operations and Outreach has responsibility for overseeing OCR's strategic and operational planning, establishing and maintaining effective collaboration with other components of the Department, and ensuring effective outreach and communication between OCR and external stakeholders and the public.

## OFFICE FOR CIVIL RIGHTS



### Promoting Efficient Spending to Maximize Civil Rights Enforcement Capacity

Recognizing the need to become more efficient in order to address the increasing workload despite level funding and lower staffing, in recent years OCR has taken aggressive measures to improve efficiency in operations:

- OCR developed a Pre-Complaint Online Screening Process to help potential complainants understand the scope of OCR's authority and reduce the number of complaints filed that do not fall under OCR's authority. While anyone may file a complaint even after going through the online screening process, this process saves time and resources when staff no longer have to receive and process cases over which OCR has no jurisdiction and refer the many complaints that do not fall under OCR's authority to another agency. Even with this new complaint screening process, however, OCR projects that the number of complaints received in FY 2015 will exceed the record total of nearly 10,000 complaints received in FY 2014.
- OCR streamlined the resolution of a portion of its disability complaints, which comprise the majority of complaints filed with OCR, by resolving single-issue complaints using expedited case review procedures. This streamlined process has reduced staff travel

## OFFICE FOR CIVIL RIGHTS

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time and costs and freed up staff time to respond to other complaints such as disability complaints, or pursue proactive investigations.

- OCR expanded the use of online communication and surveys to obtain information in investigations, saving time and resources needed for travel and conducting individual interviews yet significantly increasing the number of individuals from which OCR can receive information.
- OCR analyzed work distribution patterns to ensure all current staff are being fully and equitably utilized.
- OCR has switched from live training and meetings to more cost-efficient online training and videoconferencing.
- OCR expects that improvements to the Civil Rights Data Collection (CRDC) online data collection tool will reduce data reporting errors and the staff time needed to follow up on those errors.

Funding levels for the past 5 fiscal years were:

	(dollars in thousands)
2011.....	\$102,818
2012.....	102,624
2013.....	98,356
2014.....	98,356
2015.....	100,000

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## FY 2016 BUDGET REQUEST

The total FY 2016 request is \$130.691 million, supporting a full-time equivalent (FTE) level of 754. This request is a \$30.691 million, or 31 percent, increase above the 2015 level. The majority of the increase is for an additional 200 FTE, which the Department believes is essential for OCR to deliver on its mission of fulfilling the promise of the Civil Rights law by ensuring equal access to educational opportunities.

- The Personnel Compensation and Benefits (PC&B) request of \$104.325 million is an increase of \$26.254 million over the FY 2015 level to support an FTE level of 754, a proposed January 2016 pay raise of 1.3 percent, one additional paid day due to 2016 being a leap year, and other associated benefit increases.
- Non-Personnel costs, excluding centralized services, will be \$5.642 million, an increase of \$3.236 million over the 2015 level. The majority of non-personnel funds is for the Civil Rights Data Collection (CRDC) (\$3.1 million), software support to operate OCR's Case and Activity Management System (CAMS) (\$255,000), and travel (\$1.273 million) to support the additional 200 FTE.
- OCR's FY 2016 share of the Department's centralized services (overhead) amount of \$20.724 million reflects an increase of \$1.201 million above the 2015 level, due to increases in rent, Information Technology (IT) security, and physical security.

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### PROGRAM PERFORMANCE INFORMATION

#### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has remained strong over time, OCR anticipates difficulty sustaining this level of performance in future years without sufficient and appropriate funding.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2011	80%	92%
2012	80	93
2013	80	95
2014	80	94
2015	80	
2016	80	

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2011	< 25%	18%
2012	< 25	19
2013	< 25	19
2014	< 25	23
2015	< 25	
2016	< 25	

#### Additional information:

The first two performance measures encompass OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more labor-intensive to investigate and resolve. For FY 2015, while the number of complaints received is projected to remain at record-high levels, OCR's GPRA performance is projected to remain relatively strong, at above 80 percent.

Despite the increase in complaints and decreased staffing, OCR has managed to meet its performance goals for percentage of complaints resolved within 180 days. However, at the same time, because of the increased complaint volume, the number of cases that have been pending more than 180 days has increased. These cases naturally tend to be more complex and also more high profile. In addition, the length of time these cases go without resolution is



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growing. Lastly, in order to meet its performance goals, OCR has also been forced to limit the number of agency discretionary enforcement activities that it undertakes.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2011	3.66	3.86
2012	3.66	3.86
2013	3.66	3.87
2014	3.66	3.79
2015	3.66	
2016	3.66	

### Additional information:

OCR's third performance measure looks at customer satisfaction through a survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

### OCR'S Initiatives and Activities to Support the Department's Strategic Plan

OCR's mission is specifically linked to the Department's FY 2014-2018 Strategic Plan "Goal 4: Equity", and in particular, "Sub-goal 4.2: Civil Rights Enforcement". Under this sub-goal, OCR is responsible for ensuring educational institutions' compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights under these laws. To ensure the success of OCR's sub-goal under the Department's strategic plan, sufficient funding is needed to support initiatives and activities such as the following:

#### Combating Sexual Violence

In January 2014, President Obama established a White House Task Force to Protect Students from Sexual Assault in order to increase sharing of best practices, transparency, enforcement, public awareness, and interagency coordination to prevent violence and support survivors of sexual assault. In April 2014, the Task Force issued a report, <https://www.notalone.gov/assets/report.pdf>, outlining a number of steps to which OCR has committed to improve its enforcement procedures, including instituting time limits on negotiating voluntary resolution agreements (applicable to all OCR investigations), improving visibility on campus during its investigations, and better coordinating enforcement efforts within the Department and with the Department of Justice. During this Administration, OCR has stepped up enforcement to address sexual violence on college campuses, including by fostering investigations and remedies that are comprehensive and systemic in nature. OCR recently issued updated guidance on protecting students from sexual violence, which may produce more

## OFFICE FOR CIVIL RIGHTS

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complaints and requests for technical assistance. OCR anticipates this work increasing through FY 2016.

### Promoting Teacher and Resource Equity

Inequitable access to strong teachers and the resources necessary to succeed are leading contributors to opportunity gaps experienced by low-income and racial and linguistic minority students in America. OCR is committed to reducing the opportunity gaps by vigorously enforcing Title VI to ensure that African-American and Hispanic students, English learners and other students who face discriminatory disparities have access to effective teachers and education resources. Because of the sheer volume of materials and data involved in investigating such cases, teacher and resource equity investigations are among the most challenging that OCR conducts. These types of investigations require funding for attorneys, investigators, data statistical analysis and entry support, and policy counsel. OCR anticipates allocating more staffing and support to complete these investigations in FY 2016.

### Reducing Discriminatory Discipline

In July 2011, Attorney General Eric Holder and Secretary of Education Arne Duncan announced the Supportive School Discipline Initiative (SSDI), a collaborative project between the Departments of Justice and Education, to address the “school-to-prison pipeline” and the disciplinary policies and practices that can push students out of school and into the justice system. The initiative aims to support good discipline practices to foster safe and productive learning environments in every classroom.

The goal of SSDI took on new urgency following the Newtown tragedy in late 2012, when 26 children and school personnel lost their lives in an act of gun violence at Sandy Hook Elementary School. In January 2014, the President announced *Now Is the Time*, a four-part plan to reduce gun violence and create safer schools and communities. The plan acknowledges that “effective school discipline policies are critical to addressing school and community crime and violence issues” and requires the Department of Education to “collect and disseminate best practices on school discipline policies and help school districts develop and equitably implement such policies.”<sup>1</sup> Addressing school discipline is both a key civil rights priority of OCR in FY 2016 and a priority for the entire Administration.

In January 2014, OCR and the Department of Justice released a school discipline guidance package (see <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>) to assist States, districts, and schools in developing practices and strategies to enhance school climate, and ensure those policies and practices comply with Federal law. The guidance package included two critical documents related to school discipline: (1) a legal policy guidance (“Dear Colleague Letter”) describing educational institutions’ obligations to identify and remedy discriminatory school discipline practices under Title VI of the Civil Rights Act of 1964; and (2) a guidance principles document responsive to the President’s directive in *Now Is the Time*. The public spotlight on this issue is likely to continue through FY 2016 and produce more discipline-related complaints, investigations, and requests for technical assistance.

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<sup>1</sup> See [http://www.whitehouse.gov/sites/default/files/docs/wh\\_now\\_is\\_the\\_time\\_full.pdf](http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf).

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### **Reducing Racial Isolation and Fostering Voluntary Efforts to Increase Diversity**

Racial isolation in U.S. schools remains alarmingly high. Studies show that 80 percent of Latino students and 74 percent of Black students are in schools where the majority of students are not White, and 43 percent of Latinos and 38 percent of Black students attend "intensely segregated schools" in which White students comprise 10 percent or less of the student body. (See <http://civilrightsproject.ucla.edu>.) According to the Civil Rights Data Collection, schools with the highest concentration of Black and Latino students have less access to college- and career-ready courses and opportunities. In December 2011, OCR released two policy guidance letters to assist K-12 schools in voluntary efforts to reduce racial isolation and increase racial diversity, and to assist postsecondary institutions in voluntary efforts to increase racial diversity. Following U.S. Supreme Court cases like *Parents Involved in Community Schools v. Seattle School District* and *Fisher v. University of Texas*, OCR needs further resources in order to provide schools with technical assistance on how they may voluntarily take steps to diversify their student populations in accordance with the law.

### **Increase Knowledge of Title IX and Disability Coordinators**

OCR's regulations require each recipient (a public or private agency, institution, or organization, to whom Federal financial assistance is extended, which operates an education program or activity which receives such assistance) to designate at least one employee to coordinate its efforts to comply with Title IX and Section 504, including investigations of any complaints of non-compliance the recipient receives. For the first time, OCR has proposed to collect from each public school district (through the Civil Rights Data Collection) the name and contact information of these employees. OCR plans to issue guidance on the responsibilities of schools to have trained Title IX coordinators and the duties of those coordinators, which will likely produce additional complaints and requests for technical assistance. In order to ensure that Title IX coordinators are effectively meeting their Federal obligation to further Federal civil rights, OCR will need funds in FY 2016 to assess the needs of these coordinators, provide them training and support, including creating a community of practice, and investigate recipients who are not fulfilling their civil rights obligations concerning Title IX coordinators.

### **Access to College- and Career-Preparatory Courses**

In some school districts, college-prep, International Baccalaureate, and Advanced Placement courses are not equitably available to students of color, English learners, or students with disabilities. OCR will continue to respond to complaints and engage in compliance reviews and technical assistance activities to ensure equal access to programs that prepare students for college or careers.

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### Protection of English Language Learners (ELL)

OCR will continue its enforcement and technical assistance activities to ensure recipients comply with their obligations under Title VI and the Supreme Court's ruling in *Lau v. Nichols* to provide meaningful access and services to students who are ELL and LEP parents. OCR recently issued guidance on ensuring equitable treatment of and access for ELL students and LEP parents, which will likely produce additional complaints and requests for technical assistance.

### Protection of Students with Disabilities

Pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, OCR will continue to ensure that students with disabilities are not denied the opportunity to participate in and benefit from a school district's programs and activities. This includes ensuring that schools properly evaluate students with food allergies and other health impairments, determining technology needs, and giving students with disabilities equitable access to athletic programs and activities. OCR plans to issue further guidance protecting students with disabilities from discrimination, including unfair discipline practices, and restraint and seclusion.

### Reduction of Discriminatory Bullying, Harassment and Violence

OCR continues to experience a high volume of complaints related to bullying, harassment, and violence on the basis of race, color, national origin, sex (including gender stereotypes and gender-nonconformity), and disability. OCR will continue to ensure that K-12 and postsecondary schools act promptly, vigorously, and equitably to ensure student safety.

The following table shows the number of complaints regarding bullying, harassment, and violence that were received in the past 5 years, from fiscal years 2010-2014. These complaints involve various jurisdictions. The number of complaints increased from 896 in 2010 to 1,355 in 2014, a 51 percent increase.

**Bullying, Harassment and Violence Complaint Caseload  
(FY 2010 – FY 2014)**

FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
896	1,170	1,229	1,400	1,355

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2015 Budget Request**

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### Office for Civil Rights

(DEOA, section 203)

(dollars in thousands)

FY 2015 Authorization: Indefinite

Budget Authority:

	<u>2014</u>	<u>2015</u>	<u>Change from 2014</u>
Personnel costs	\$76,983	\$78,008	+\$1,025
Non-personnel costs	<u>21,373</u>	<u>23,992</u>	<u>+2,619</u>
Total	98,356	102,000	+3,644
FTE	558	558	0

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### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 16,900 local educational agencies; approximately 7,200 postsecondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### OCR PROGRAM INFORMATION

#### **Organizational Structure and Staffing**

The Office for Civil Rights requires a staffing level of 558 full-time equivalents (FTEs) to support its mission. Currently, 88 percent of OCR's staff is located in 12 enforcement offices throughout the country and the remaining 12 percent occupies OCR's headquarters office. The Headquarters and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located in 10 regional centers and 1 field office throughout the Nation: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and the Cleveland field office.

OCR is headed by an Assistant Secretary. The Assistant Secretary is supported by a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, and a Deputy Assistant Secretary for Strategic Operations and Outreach. These positions report to the Principal Deputy Assistant Secretary.

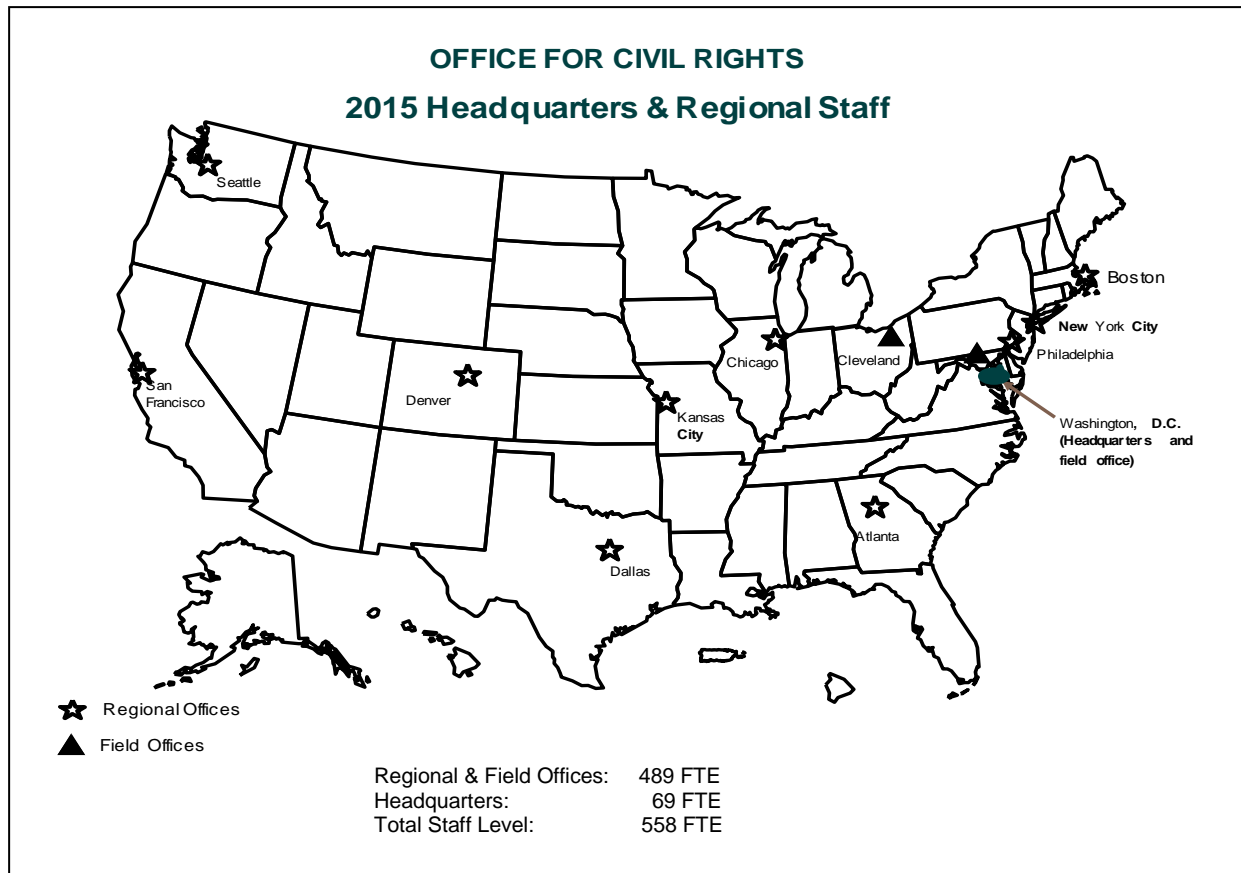
The Deputy Assistant Secretary for Enforcement is responsible for oversight of the 12 Enforcement offices and the 3 Enforcement Directors who provide day-to-day leadership to those offices. The Enforcement Offices' primary responsibilities are conducting complaint investigations, participating in identifying and setting proactive enforcement priorities, conducting proactive compliance reviews, and delivering technical assistance.

The Deputy Assistant Secretary for Policy oversees the Headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance, developing technical assistance materials, consulting on cases from the enforcement offices, regulation development, determining the compliance status of recipients, and helping ensure that civil rights issues are appropriately addressed within the Department's programs and initiatives and among Federal Agencies.

The Deputy Assistant Secretary for Strategic Operations and Outreach has responsibility for facilitating overall strategy and coordination among the different components of OCR, and for establishing and maintaining effective relations between OCR and the public, Congress, Federal executive agencies, and State and local entities. This position supervises the Director of OCR's Resource Management Group and oversees management of budgetary and other resources, communications, information systems, staff and organizational development, contracts, training, customer service, and general services.



## OFFICE FOR CIVIL RIGHTS



### Civil Rights Challenges While Promoting Efficient Spending

OCR has become a more effective and visible organization while its appropriations and the number of on-board staff have decreased. Most recently, full-time equivalent staff usage decreased approximately 3 percent from 582 in FY 2012 to 565 in FY 2013. Resolving complaints of discrimination brought by the public has always been OCR's primary function, and the volume of complaints continues to grow. In FY 2012, OCR received 7,833 complaints and resolved 8,163, some of which had been filed in previous years. OCR received 9,950 complaints in FY 2013, a 27 percent increase over FY 2012 (roughly half of the increase was due to a large number of cases filed by 3 individuals). The ever-increasing number of complaint receipts occupies the workload for the majority of the staff.

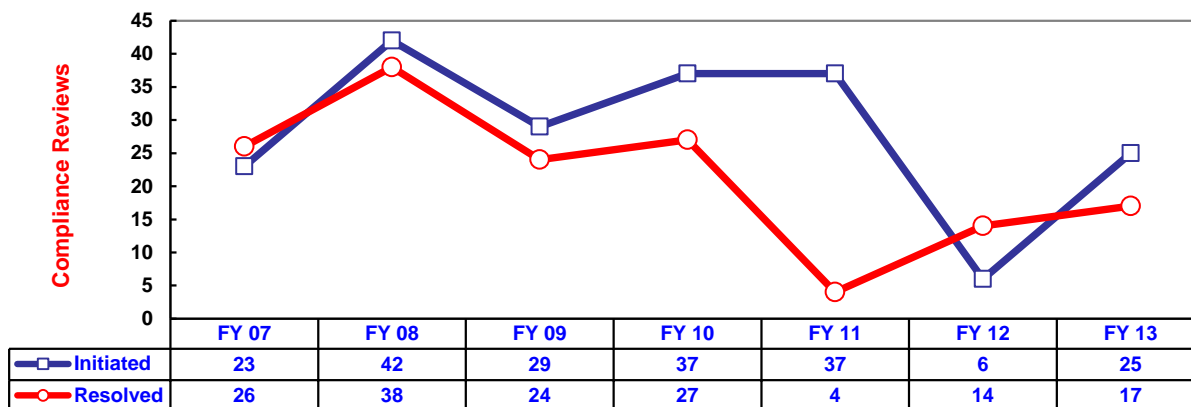
While managing the increase in complaint receipts, OCR is implementing refinements to case processing to free more staff for proactive work. For example, the FY 2012 Rapid Resolution Process pilot, which focused on resolving single-issue disability complaints, was rolled out in all of OCR's regional and field offices in FY 2013. Under this process, immediate contact is made with the complainant to attempt to resolve the issue via telephone. In 2013, OCR designed, developed, and tested a Web-based Pre-Complaint Assistance Request Form to help potential complainants understand the scope of OCR's authority and reduce the number of complaints filed that do not fall under OCR's authority. This form should save staff time currently used for logging in, reviewing, and/or referring such complaints to another agency. In August 2014, OCR will measure the impact that this form has had on its online complaints.



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While complaint receipts rise, case processing resolution time has continued to exceed established Government Performance and Results Act efficiency measures. However, proactive compliance reviews, required by regulation (34 C.F.R. § 100.7(a)), have suffered from spending cuts. Complaints often affect one or a small group of students, whereas compliance reviews target issues of discrimination that are acute, regional, national in scope, or are newly emerging. They are designed to affect significant change at the target institution and provide widely applicable solutions. In fiscal years 2010 and 2011, OCR initiated 74 compliance reviews, but in fiscal years 2012 and 2013, OCR initiated only 31 compliance reviews, a 42 percent decrease. The reduced number of initiated compliance reviews was a result of their complexity; the need to resolve open compliance reviews before initiating new ones; and the need to shift staff resources to investigate the increased number of complaint receipts. Funding reductions significantly jeopardized OCR's ability to keep pace and address emerging civil rights concerns proactively. (Complaint Receipts and Resolutions chart shown on page BB-18).

**Compliance Reviews Initiated and Resolved**



In addition to working on complaints and compliance reviews, OCR's staff monitor resolution agreements and ensure their appropriate implementation. OCR also issues policy guidance on current and emerging civil rights issues that emphasize real-world scenarios and examples, conducts outreach, and provides technical assistance and customer service to Federal recipients and the public to increase compliance with and understanding of civil rights laws.

Increased case processing efficiencies, use of technology, and the alignment of OCR's policy, compliance, and enforcement activities around priority issues will continue to enhance program effectiveness. However, given the decline in staffing, there are limits to what OCR can continue to accomplish. Full funding of OCR's budget request is critical to implementing the Department's mission and to ensuring schools' adherence to equity and nondiscrimination in the 21<sup>st</sup> century. This is especially true given that OCR anticipates having less capacity to maintain the quantity and timeliness of complaint resolutions in the coming years. Removing barriers to equal educational opportunity for students is not only a moral imperative, but an economic necessity.

## OFFICE FOR CIVIL RIGHTS

Funding levels for the past 5 fiscal years were:

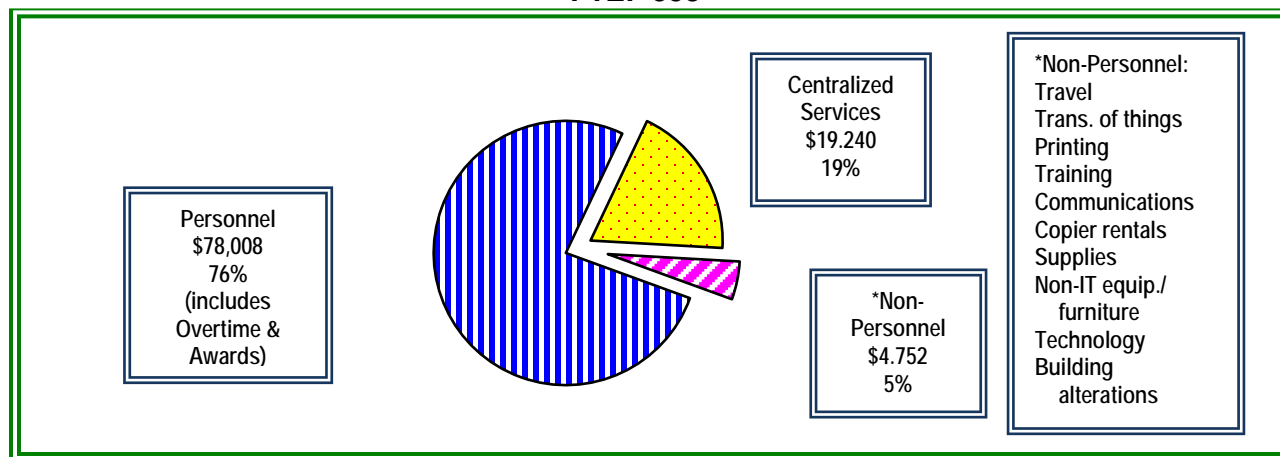
	(dollars in thousands)
2010.....	\$103,024
2011.....	102,818
2012.....	102,624
2013.....	98,356
2014.....	98,356

### FY 2015 BUDGET REQUEST

The total FY 2015 request is \$102.0 million with a full-time equivalent (FTE) level of 558. This request is a \$3.7 million, or 3.7 percent, increase above the FY 2014 estimate.

- The Personnel Compensation and Benefits (PC&B) request of \$78.0 million is an increase of \$1.025 million over the FY 2014 level due to a proposed pay raise of 1 percent, built-in benefits increases, as well as increased FERS contribution rates starting October 2014. The FTE level of 558 is the same as in FY 2014.
- Non-Personnel costs, excluding centralized services, will be \$4.8 million, an increase of \$2.6 million over FY 2014. The majority of non-personnel funds is for the Civil Rights Data Collection (CRDC) (\$3.3 million), software support to operate OCR's Case and Activity Management System (CAMS) (\$255,000), and travel (\$673,000).
- OCR's FY 2015 share of the Department's centralized services (overhead) amount of \$19.2 million reflects an increase of \$20,000, due to projected increases in information technology (IT), and physical security.

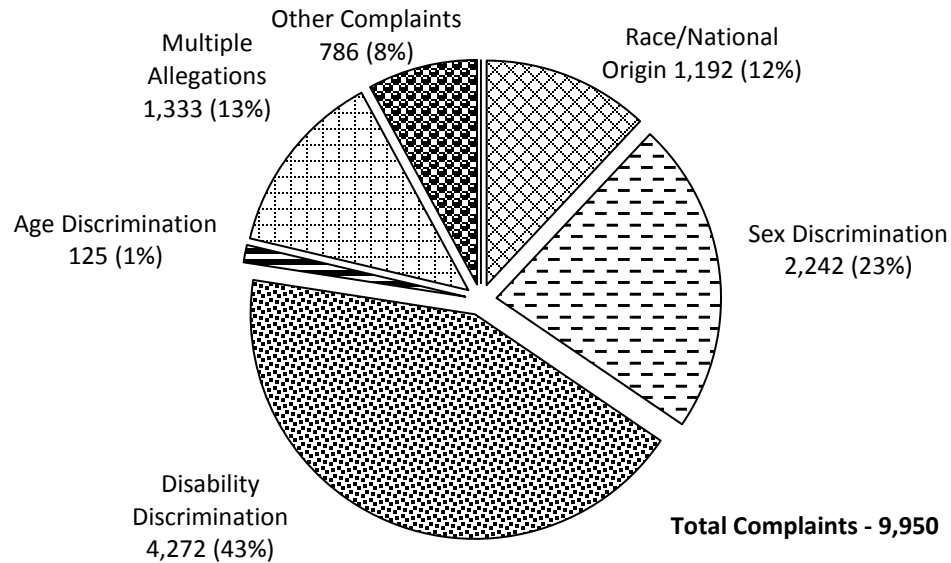
**FY 2015 Budget  
(dollars in thousands)  
Total: \$102.000  
FTE: 558**



## OFFICE FOR CIVIL RIGHTS

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### FY 2013 Complaint Caseload by Jurisdiction (October 1, 2012 – September 30, 2013)



## PROGRAM PERFORMANCE INFORMATION

### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. While performance has remained strong over time, OCR anticipates difficulty sustaining this level of performance in future years without sufficient and appropriate funding.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2010	80%	90%
2011	80	92
2012	80	93
2013	80	95
2014	80	
2015	80	

## OFFICE FOR CIVIL RIGHTS

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**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2010	< 25%	22%
2011	< 25	18
2012	< 25	19
2013	< 25	19
2014	< 25	
2015	< 25	

**Additional information:** The first performance measure has two targets encompassing OCR's entire complaint workload, which together hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more complex. Despite lower staffing levels, OCR has implemented an ambitious proactive agenda of complex compliance reviews and technical assistance activities. There has also been an increased number and level of monitoring of resolution agreements to ensure an entity's full compliance. For FY 2013, workload had a significant increase, however OCR's GPRA scores remained similar to FY 2012.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2010	3.66	3.89
2011	3.66	3.86
2012	3.66	3.86
2013	3.66	3.87
2014	3.66	
2015	3.66	

**Additional information:** OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

### OCR Initiatives and Activities to Support the Department's Strategic Plan

OCR's mission is specifically linked to the Department's FY 2014-2018 Strategic Plan "Goal 4: Equity", and in particular, "Sub-goal 4.2: Civil Rights Enforcement." Under this sub-goal, OCR is responsible for ensuring educational institutions' compliance with Federal civil rights laws and enhancing the public's knowledge of their civil rights under these laws. To ensure the success of OCR's sub-goal under the Department's strategic plan, sufficient funding is needed to support the following initiatives and activities:

## OFFICE FOR CIVIL RIGHTS

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### Promote Teacher and Resource Equity

Inequitable “access” to strong teachers and the resources necessary to succeed are the leading contributors to opportunity gaps experienced by low-income and racial and linguistic minority students in America. OCR is committed to reducing the opportunity gaps by vigorously enforcing Title VI to ensure that African-American and Hispanic students, English learners and other students that face discriminatory disparities have “access” to effective teachers and education resources. Because of the sheer volume of materials and data involved in investigating such cases, teacher and resource equity investigations are among the most challenging that OCR conducts. These types of investigations require funding for a full team of attorneys, investigators, data statistical analysis and entry support, and policy counsel. OCR anticipates allocating more staffing and support to complete these investigations in FY 2015.

### Reduce Discriminatory Discipline

In July 2011, Attorney General Eric Holder and Secretary of Education Arne Duncan announced the Supportive School Discipline Initiative (SSDI), a collaborative project between the Departments of Justice and Education to address the “school-to-prison pipeline” and the disciplinary policies and practices that can push students out of school and into the justice system. The initiative aims to support good discipline practices to foster safe and productive learning environments in every classroom.

The goal of SSDI took on new urgency following the Newtown tragedy in late 2012, when 26 children and school personnel lost their lives in an act of gun violence at Sandy Hook Elementary School. In January 2013, the President announced *Now Is the Time*, a four-part plan to reduce gun violence and create safer schools and communities. The plan acknowledges that “effective school discipline policies are critical to addressing school and community crime and violence issues” and requires the Department of Education to “collect and disseminate best practices on school discipline policies and help school districts develop and equitably implement such policies.”<sup>1</sup> Addressing school discipline is both a key civil rights priority of OCR in FY 2015 and a priority for the entire Administration.

In January 2014, OCR, the Department of Education, and the Department of Justice released a school discipline guidance package (see <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>) that will assist States, districts and schools in developing practices and strategies to enhance school climate, and ensure those policies and practices comply with Federal law. The guidance package included two critical documents related to school discipline: (1) a legal policy guidance (“Dear Colleague Letter”) describing educational institutions’ obligations to identify and remedy discriminatory school discipline practices under Title VI of the Civil Rights Act of 1964; and (2) a guidance principles document responsive to the President’s directive in *Now Is the Time*. In FY 2015, OCR will need funds to escalate technical assistance efforts in this arena to ensure that these critical documents are widely disseminated and understood by schools and by the public. With the new policy guidance, OCR will continue its enforcement efforts in the discipline arena to enhance legal compliance with Title VI.

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<sup>1</sup> See [http://www.whitehouse.gov/sites/default/files/docs/wh\\_now\\_is\\_the\\_time\\_full.pdf](http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf).

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### Reduce Racial Isolation and Increase Diversity

Racial isolation in U.S. schools remains alarmingly high. Studies show that 80 percent of Latino students and 74 percent of Black students are in schools where the majority of students are not White, and 43 percent of Latinos and 38 percent of Black students attend "intensely segregated schools" in which White students comprise 10 percent or less of the student body. (See <http://civilrightsproject.ucla.edu>.) In December 2011, OCR released two policy guidance letters to assist K-12 schools in voluntary efforts to reduce racial isolation and increase racial diversity, and to assist postsecondary institutions in voluntary efforts to increase racial diversity. Following U.S. Supreme Court cases like *Parents Involved in Community Schools v. Seattle School District* and *Fisher v. University of Texas* see <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-qa-201309.pdf>, it is more important than ever that OCR receives funds to expand its reach to educational institutions by providing up-to-date legal guidance and interactive technical assistance on how they may voluntarily and proactively take steps to diversify their student populations, in accordance with the law.

### Increase Knowledge of Title IX and Disability Coordinators

OCR's regulations require each recipient to designate at least one employee to coordinate its efforts to comply with Title IX and Section 504, including investigations of any complaints of non-compliance the recipient receives. For the first time, OCR has proposed to collect from each public school district (through the Civil Rights Data Collection) the name and contact information of these employees. In order to ensure that these coordinators are effectively meeting their Federal obligation to further Federal civil rights, OCR will need funds in FY 2015 to assess the needs of these coordinators, provide them training and support, including creating a community of practice, and investigate recipients who are violating these requirements.

### Other Select Areas of Civil Rights Enforcement

Funding is needed in the following areas to conduct compliance reviews and/or provide technical assistance:

*Access to College- and Career-Preparatory Courses.* In some school districts, college-prep, International Baccalaureate, and Advanced Placement courses are not readily available in schools with large minority populations, and minority students are often underrepresented in such courses. OCR will continue to engage in compliance reviews and technical assistance activities to ensure equal access to programs that make students ready for college.

*Protection of English Language Learners (ELL).* OCR will continue its enforcement and technical assistance activities to ensure recipients comply with their obligations under Title VI and the Supreme Court's ruling in *Lau v. Nichols* to provide appropriate access and services to students who are ELL.

*Protection of Students with Disabilities.* Pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, OCR will continue to ensure that students with disabilities are not denied the opportunity to participate in and benefit from a school district's programs and activities. This includes ensuring that schools properly evaluate students with food allergies and other health impairments, determining technology

## OFFICE FOR CIVIL RIGHTS

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needs, and giving students with disabilities equitable access to athletic programs and activities.

*Reduction of Discriminatory Bullying, Harassment and Violence.* OCR will continue to ensure that all students are protected against bullying, harassment and violence on the basis of race, color, national origin, sex (including gender stereotypes and gender-nonconformity) and disability and that schools act promptly, vigorously and equitably to ensure student safety.

**Department of Education**  
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**Fiscal Year 2014 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

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### Office for Civil Rights

(DEOA, section 203)

(dollars in thousands)

FY 2014 Authorization: Indefinite

Budget Authority:

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Change from 2012</u>
Personnel Costs	\$78,997	\$79,798	\$80,589	+\$1,592
Non-personnel costs	<u>23,627</u>	<u>22,826</u>	<u>26,911</u>	<u>+3,284</u>
Total	102,624	102,624 <sup>1</sup>	107,500	+4,876
FTE	603	598	598	0

<sup>1</sup> Excludes a 0.612 percent across-the-board increase provided by P.L. 112-175.

## PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

## OFFICE FOR CIVIL RIGHTS

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 16,900 local educational agencies; nearly 6,500 postsecondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### OCR PROGRAM INFORMATION

#### **Organizational Structure and Staffing**

The Office for Civil Rights requires a staffing level of 598 full-time equivalents (FTEs) to support its mission. Currently, 88 percent of OCR's staff is located in 12 enforcement offices throughout the country and the remaining 12 percent occupies OCR's headquarters office. The Headquarters and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located in 10 regional centers and 1 field office throughout the Nation: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and Cleveland (field office).

OCR is headed by an Assistant Secretary. The Assistant Secretary is supported by a Principal Deputy Assistant Secretary. Deputy Assistant Secretaries for Enforcement and Policy, as well as the Resource Management Group Director, report to the Principal Deputy Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for oversight of the 12 enforcement offices and the 3 Enforcement Directors who provide day-to-day leadership to those offices.

The Deputy Assistant Secretary for Policy oversees the Headquarters' Program Legal Group that provides a range of legal services including: developing Policy Guidance on civil rights issues, developing technical assistance materials, consulting on cases from the enforcement offices, and helping ensure that civil rights issues are appropriately addressed within the Department's programs and initiatives and among Federal Agencies. Policy Guidance letters have been issued in priority areas to inform recipients about their legal obligations and the legal framework of complaint investigations and compliance reviews.

The Resource Management Group supports OCR nationwide in the areas of customer service, information technology, budget, procurement, and human capital management.

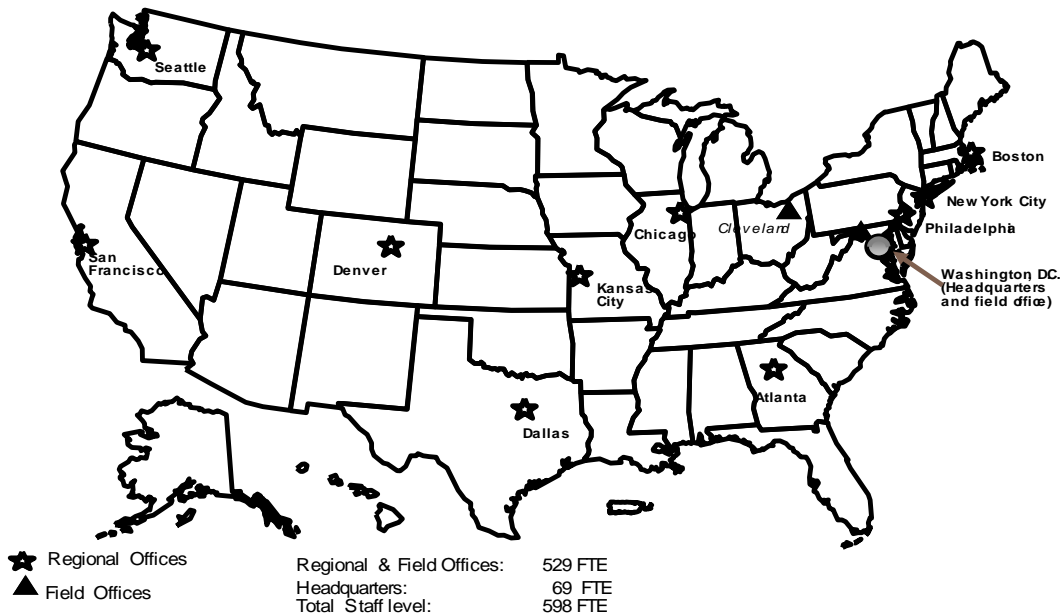
OCR has become a more effective and visible organization, and requests for OCR's services are increasing while the appropriations have remained flat. Complaint receipts are not only rising (a documented 13 percent increase from FY 2010 to FY 2012), but becoming increasingly complex. Cases are being resolved with extensive and effective relief for the complainants, such as: access to appropriate education programs, activities and services; counseling services; auxiliary aids and services, and facility modifications to provide access to students with disabilities; housing relocations; and, in a vast majority of cases, fundamental changes in institutional policies and/or practices to comply with the applicable laws. Compliance reviews have resulted in resolution agreements with robust systemic remedies that not only remediate concerns about whether recipients are in compliance with the civil rights laws, but help prevent

## OFFICE FOR CIVIL RIGHTS

future discrimination. Requests for technical assistance have also increased (by 112 percent from FY 2010 to FY 2012) and OCR is focusing on monitoring activities to ensure that commitments made to remedy civil rights violations are fully implemented.

### OFFICE FOR CIVIL RIGHTS

#### FY 2014 Headquarters/Regional Staff



### Office of Management and Budget Memorandum – Promoting Efficient Spending to Support Agency Operations

OCR is committed to increased efficiency in work processes and is continuously refining investigative procedures and information management systems to become better stewards of taxpayer dollars. These productivity improvements will help OCR manage its rising complaint workload and education initiatives while redirecting critical staff resources to address issues of systemic discrimination through strengthened proactive compliance and enforcement activities. However, there is no process or technology that can take the place of adequate staffing. OCR's work is complex, labor intensive, and requires a sufficient number of well-educated and highly trained staff. It requires successive years of sufficient resources and depends on funding the 598 FTE in this budget request. As discussed below, improvements and efficiencies in OCR's processes help ensure that Federal funds are used for purposes that are appropriate, cost effective, and help fulfill OCR's core mission.

#### Complaint Processing Pilot

Data analysis reveals that over a 10-year-period, 50 percent of OCR's cases claimed discrimination on the basis of disability. In May 2012, a pilot program was initiated (in 4 of 12

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field offices for a period of 4 months) using a new approach to address OCR's high proportion of disability-only complaints. The pilot uses a "rapid resolution" approach for appropriate individual disability-based complaints. The OCR team assigned to a case determines if the complaint is appropriate for rapid resolution. Complaints with class implications are not subject to the new process. If the complaint is appropriate for rapid resolution, immediate contact is made with the school district or university (e.g., through a phone call) to obtain relevant information and attempt to resolve the complaint. Additionally, to expedite resolutions obtained through this process, final approval authority is streamlined. The pilot was evaluated at the end of FY 2012 and we found, in fact, that this approach reduced the resolution time for typical cases of this nature. In light of this, OCR implemented the rapid resolution process for single-issue disability cases nationwide in FY 2013.

Finding ways to obtain positive case resolutions more quickly not only provides better customer service for complainants so they can move forward with their education, it also ensures that OCR has sufficient staff resources to devote to more complex cases.

Funding levels for the past 5 fiscal years were:

	(dollars in thousands)
2009.....	\$96,826
2010.....	103,024
2011.....	102,818
2012.....	102,624
2013.....	102,624 <sup>1</sup>

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<sup>1</sup> Excludes a 0.612 percent across-the-board increase provided by P.L. 112-175.

## FY 2014 BUDGET REQUEST

The total FY 2014 request is \$107.5 million with an FTE level of 598. This request is a \$4.9 million increase, or 4.8 percent, above the FY 2013 level of \$102.6 million.

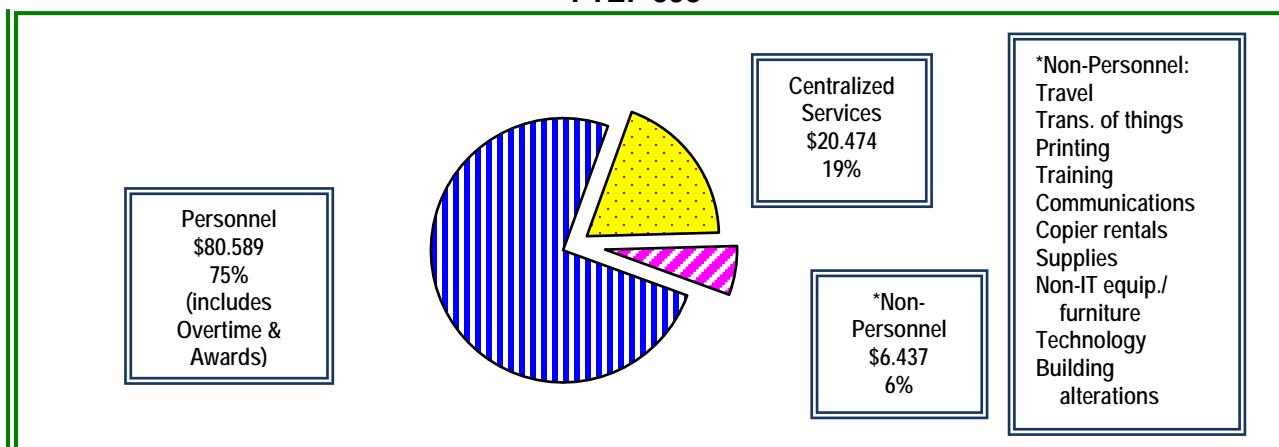
- The Personnel Compensation and Benefits (PC&B) request of \$80.589 million is an increase of \$791,000 over the FY 2013 level due to a proposed pay raise of 1 percent, as well as built-in benefits increases. The FTE level of 598 is the same as the FY 2013 level.
- OCR's FY 2014 share of the Department's centralized services (overhead) amount is \$20.474 million.
- Non-Personnel costs, excluding centralized services, will be \$6.437 million, which is an increase of \$4.530 million over the FY 2013 level. The majority of non-personnel funds are for the biennial Civil Rights Data Collection (CRDC) (\$4.942 million), for software support to operate OCR's Case and Activity Management System (CAMS) (\$255,000), and for travel (\$826,000).

## OFFICE FOR CIVIL RIGHTS

### FY 2014 Budget (dollars in thousands)

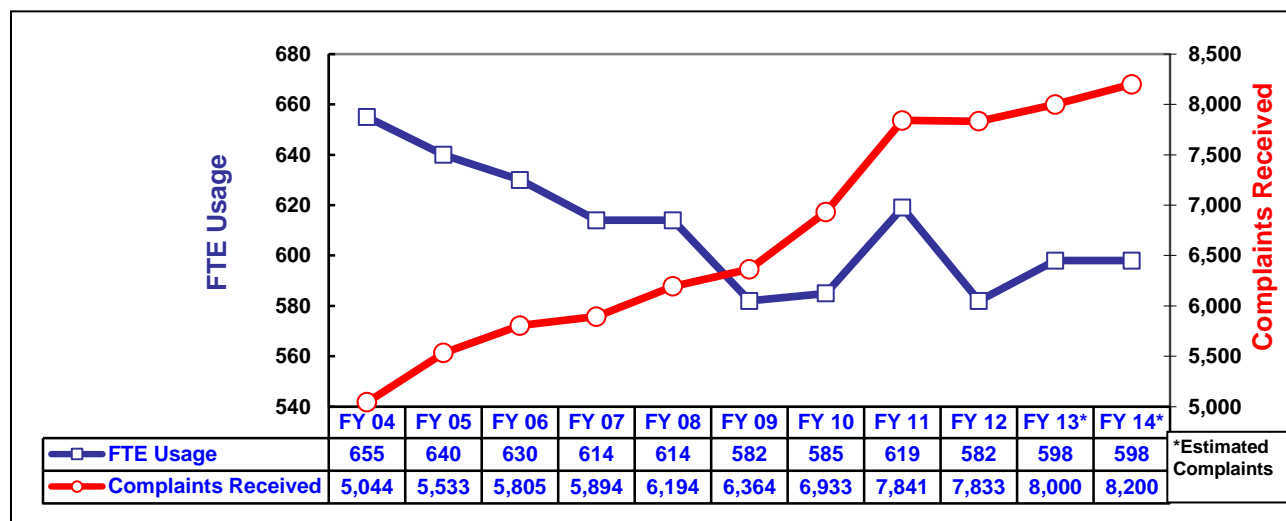
**Total: \$107.500**

**FTE: 598**



### Personnel Costs

For FY 2014, PC&B costs are 75 percent of the request, or \$80.589 million, \$791,000 over the FY 2013 level of \$79.798 million. As the chart below shows, over the past 9 years, from 2004 to 2012, OCR reduced its staffing level by 11.1 percent while complaint receipts rose by 55 percent.



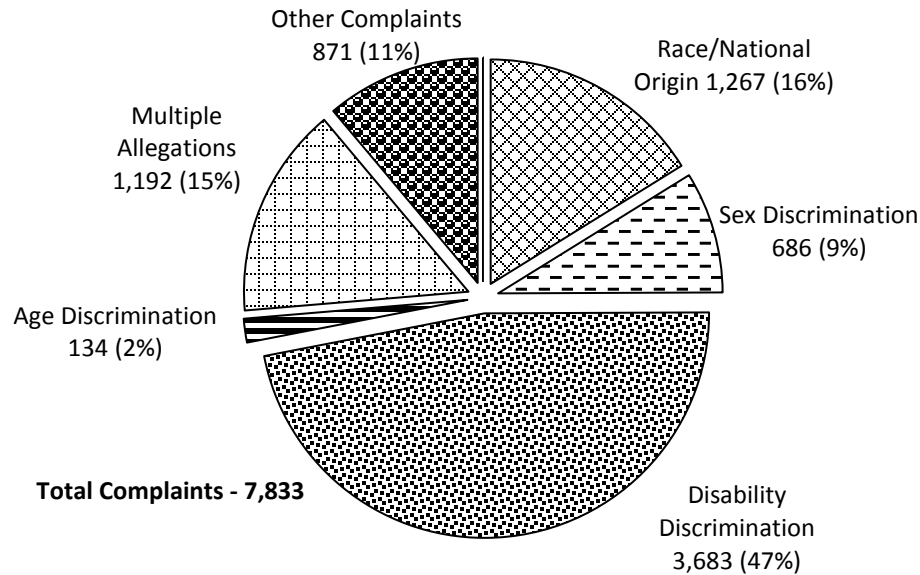
### Awards & Overtime

OCR is requesting \$251,000 for awards and \$18,000 for overtime for a total of \$269,000, a decrease of \$200,000 below the FY 2013 level. OCR rewards staff based upon performance. The requested amount will compensate those employees who work additional hours to complete critical projects within constricted timeframes, consistent with departmental policy.

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### FY 2012 Complaint Caseload by Jurisdiction (October 1, 2011 – September 30, 2012)



## PROGRAM PERFORMANCE INFORMATION

### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process.

#### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2009	80	92
2010	80	90
2011	80	92
2012	80	93
2013	80	
2014	80	

## OFFICE FOR CIVIL RIGHTS

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**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2009	< 25	15
2010	< 25	22
2011	< 25	18
2012	< 25	19
2013	< 25	
2014	< 25	

**Additional information:**

The first performance measure has two targets encompassing OCR's entire complaint workload. Together, the two targets hold OCR accountable for efficient case resolution. Complaint receipts are rising and becoming more complex. Despite lower staffing levels, OCR has implemented an ambitious proactive agenda of complex compliance reviews and technical assistance activities. There has also been an increased number and increased level of monitoring of resolution agreements to ensure an entity's full compliance. For FY 2012, workload and OCR's GPRA scores were relatively the same as in FY 2011.

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2009	3.66	3.93
2010	3.66	3.89
2011	3.66	3.86
2012	3.66	3.86
2013	3.66	
2014	3.66	

**Additional information:**

OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed to both complainants and recipients after case resolution. The survey measures courteous and considerate treatment of customers; prompt, clear, and responsive communication (oral and written); and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

OCR is committed to keeping GPRA scores high as well as conducting the full range of proactive compliance reviews, technical assistance, and monitoring activities.

### Revitalized Civil Rights Enforcement — Implementation of OCR's Strategic Plan

OCR is playing a role in realizing ED and the Administration's strategy and goals of ensuring that the Nation's struggling schools are transformed and that students have equitable access a high-quality education, with great teachers, and college- and career-ready coursework. To

**Department of Education**  
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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(DEOA, section 203)

(dollars in thousands)

FY 2013 Authorization: Indefinite

Budget Authority:

	<u>2012</u>	<u>2013</u>	<u>Change</u>
Personnel Costs	\$78,997	\$80,119	+\$1,122
Non-personnel costs	<u>23,627</u>	<u>25,199</u>	<u>+1,572</u>
Total	\$102,624	\$105,318	+2,694
FTE	603	598	-5

## PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

## OFFICE FOR CIVIL RIGHTS

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 14,000 local educational agencies; nearly 6,500 postsecondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### OCR PROGRAM INFORMATION

#### Organizational Structure and Staffing

The Office for Civil Rights requires a staffing level of 598 full-time equivalents (FTEs) to support its mission. Currently, 88 percent of OCR's staff are located in 12 enforcement offices throughout the country, and the remaining 12 percent occupies OCR's headquarters office. The Headquarters office and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located in 10 regional centers and 1 field office throughout the Nation: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and Cleveland (field office).

OCR is headed by an Assistant Secretary. The Assistant Secretary is supported by a Principal Deputy Assistant Secretary. Deputy Assistant Secretaries for Enforcement and Policy, as well as the Resource Management Group Director, report to the Principal Deputy Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for oversight of the 12 enforcement offices and 3 Enforcement Directors who provide day-to-day leadership to those offices. The Deputy Assistant Secretary for Policy oversees the headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance on civil rights issues, developing technical assistance materials, consulting on cases from the enforcement offices and helping ensure that civil rights issues are appropriately addressed within Department programs and initiatives and among Federal Agencies. This group also collaborates with other Department offices on the Civil Rights Data Collection (CRDC), and oversees CRDC data analysis and dissemination. The Resource Management Group supports the Office nationwide in the areas of customer service, information technology, budget, procurement, and human capital management.

Removing the barriers to equal educational opportunity is urgently needed if we are to meet President Obama's challenge to the Nation to lead the world in college graduates by 2020. To achieve this goal, *all* students must have a fair chance at a high quality education. To that end, OCR has reinvigorated its policy, enforcement, and compliance functions. OCR is implementing an ambitious multi-year strategic plan focused on activities that engage both recipients and beneficiaries in addressing priority issues of educational inequity. OCR has become a more effective and visible organization, and requests for OCR's services are increasing. Complaint receipts are not only rising (a 16 percent increase is projected from FY 2010 to FY 2013), but becoming increasingly complex, and cases are closing with relief for the complainant and a change in institutional policy and/or practice to comply with the law. Compliance reviews have resulted in resolution agreements with robust remedies that not only remediate violations, but help prevent future discrimination. "Dear Colleague" letters have been issued in priority areas to inform recipients about their legal obligations, and the legal framework of complaint

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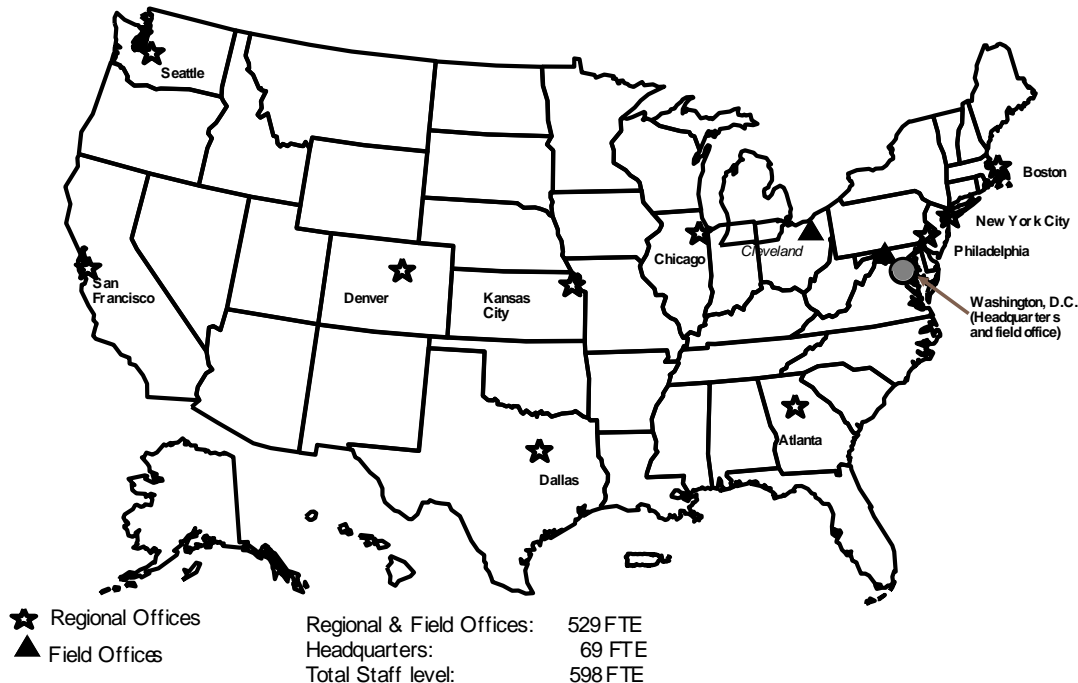
investigations and compliance reviews. Requests for technical assistance have increased, and OCR is focusing on monitoring activities to ensure that commitments made to remedy civil rights violations are executed.

OCR is committed to increased efficiency in work processes and is continuously refining investigative procedures and information management systems. OCR's newly developed electronic dashboard enables senior managers to monitor case activities nationwide in real time, ensuring increased agency accountability. Updated technical assistance presentations posted on OCR's Intranet site are readily available for staff use, and customized electronic civil rights training is available online. To maximize the effectiveness of robust remedies in priority areas, all compliance review findings and remedies, as well as those from selected complaint investigations, have been posted on ED's Internet site where they can serve as models for the field, for schools to proactively come into compliance with the law, and to inform parents and the public about students' rights under the law.

All of these productivity improvements enable OCR to manage its rising workload. However, the challenge is to continue to address issues of systemic discrimination through strengthened proactive compliance and enforcement activities. There is no process or technology that can take the place of adequate staffing. OCR's work is complex, labor intensive, and requires a sufficient number of well-educated and highly trained staff. Full implementation of OCR's strategic plan is critical to closing the Nation's achievement gap.

## OFFICE FOR CIVIL RIGHTS

### FY 2013 Headquarters/Regional Staff



## OFFICE FOR CIVIL RIGHTS

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Funding levels for the past 5 fiscal years were as follows:

	(dollars in thousands)
2008.....	\$89,612
2009.....	96,826
2010.....	103,024
2011.....	102,818
2012.....	102,624

### **FY 2013 BUDGET REQUEST**

The total FY 2013 request is \$105.318 million with a full-time equivalent (FTE) level of 598. This request is \$2.694 million, or a 2.6 percent increase, over the FY 2012 level of \$102.624 million.

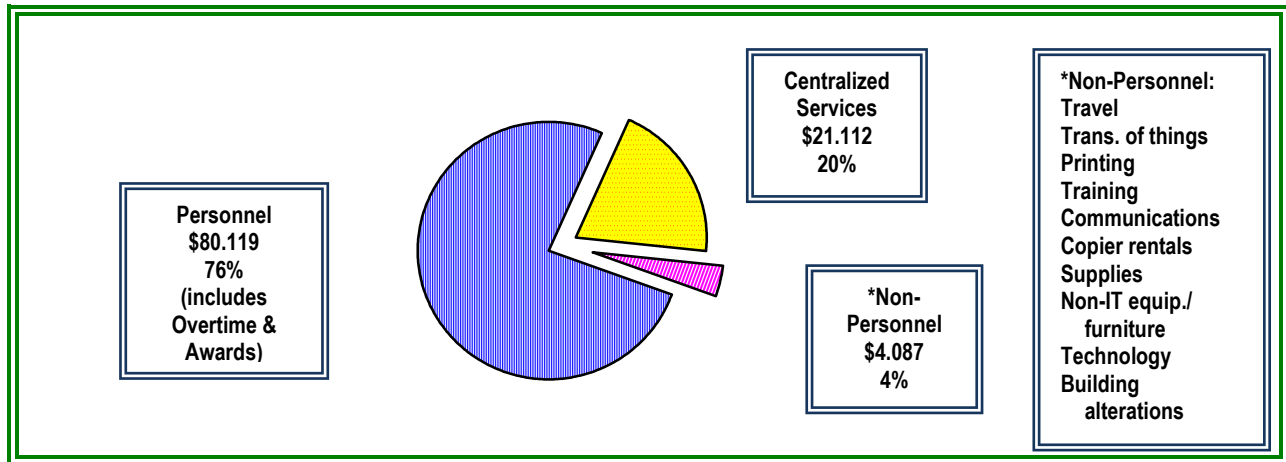
- The Personnel Compensation and Benefits (PC&B) request of \$80.119 million is an increase of \$1.122 million over the FY 2012 level due to an increase in OCR's average compensation and benefits and 261 paid days. The FTE level of 598, a decrease of 5 FTE from the 2012 level, will help ensure successful management of OCR's enforcement programs, priorities, and complaint resolution. OCR projects complaint receipts of 7,841 in FY 2013, an increase of 13.1 percent from FY 2010, the largest number of complaints ever received by the Agency. Managing the increased complaint workload and implementing strategic priorities will require a minimum of 598 FTE.
- OCR's FY 2013 share of the Department's centralized services (overhead) amount of \$21.112 million reflects a decrease of \$195,000 below the FY 2012 level of \$21.307 million due to a decrease in estimated security guard services.
- Non-Personnel costs, excluding centralized services, will be \$4.087 million, or \$1.767 million above the FY 2012 level. The majority of non-personnel funds are for the Civil Rights Data Collection (CRDC), and for analysis, travel, training, legal services, and software support to operate OCR's Case and Activity Management System (CAMS).

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### FY 2013 Budget (dollars in thousands)

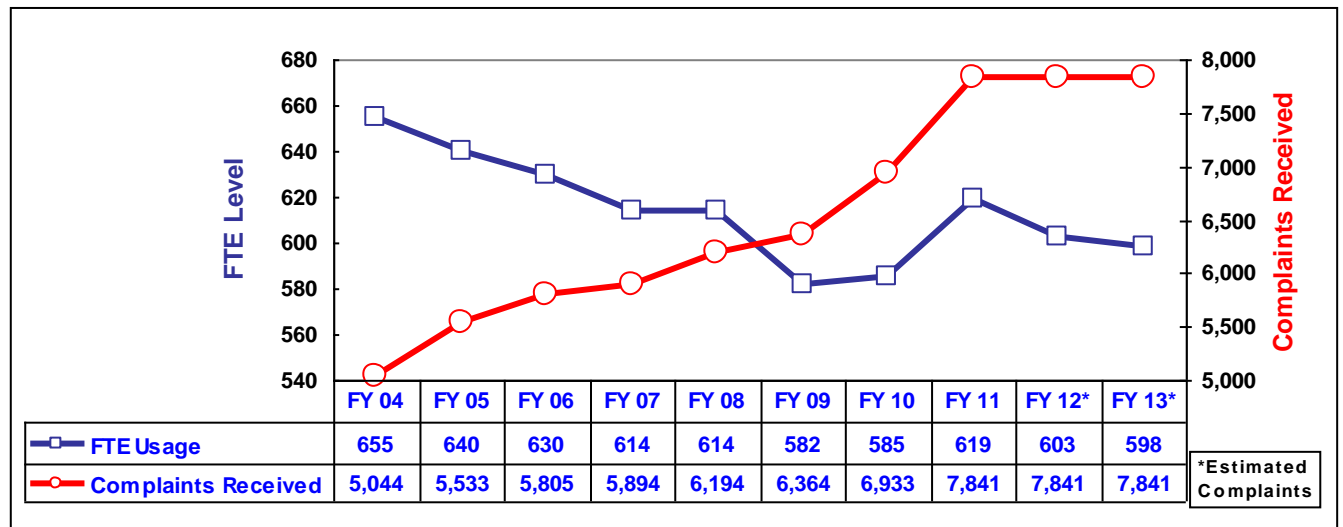
Total: \$105.318

FTE: 598



### Personnel Costs

For FY 2013, PC&B costs are 76 percent of the request, or \$80.119 million, \$1.122 million over the FY 2012 level of \$78.997 million. As the chart below shows, over the past 7 years, from 2004 to 2010, OCR reduced its staffing level by 8.5 percent while complaint receipts rose by 37 percent.

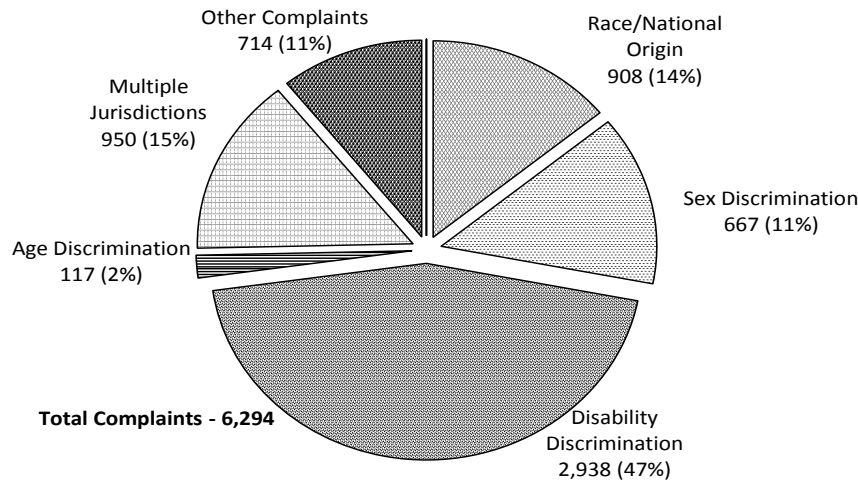


### Awards & Overtime

OCR is requesting \$601,000 for awards and \$18,000 for overtime for a total of \$619,000, the same as the FY 2012 level. OCR rewards staff based upon performance. The requested amount will enable OCR to provide appropriate recognition for high performance and will

## OFFICE FOR CIVIL RIGHTS

### FY 2011 Complaint Caseload by Jurisdiction (October 1, 2010 – September 30, 2011)



## PROGRAM PERFORMANCE INFORMATION

### Performance Measures

OCR's Government Performance and Results Act (GPRA) measures are designed to assess the efficiency and accessibility of the complaint resolution process. The first performance measure has two targets encompassing OCR's entire complaint workload. Together, the two targets hold OCR accountable for efficient case resolution. OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed after case resolution to both complainants and recipients. The survey measures courteous and considerate treatment of customers, prompt communication (oral and written) and clear and responsive communication (oral and written), and whether the customer is kept informed about his or her case. A fiscal year 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

### Current performance measures for complaint workload:

**Measure:** Percentage of complaints resolved within 180 days.

Year	Target	Actual
2008	80	91
2009	80	92
2010	80	90
2011	80	92
2012	80	
2013	80	

## OFFICE FOR CIVIL RIGHTS

**Measure:** Percentage of complaints pending over 180 days.

Year	Target	Actual
2008	< 25	18
2009	< 25	15
2010	< 25	22
2011	< 25	18
2012	< 25	
2013	< 25	

**Measure:** Mean score of customer satisfaction survey.

Year	Target	Actual
2008	3.66	3.99
2009	3.66	3.93
2010	3.66	3.89
2011	3.66	3.86
2012	3.66	
2013	3.66	

Despite the increase in FY 2011 workload, OCR's GPRA scores were relatively the same as in FY 2010. In addition to lower staffing levels, complaint receipts are rising and becoming more complex; OCR has implemented an ambitious proactive agenda of complex compliance reviews and technical assistance activities that directly support the Secretary and President's education agenda; and there has been an increased number and increased monitoring of resolution agreements to ensure the entity's full compliance. OCR is committed to keeping GPRA scores high as well as conducting the full range of proactive and monitoring activities.

### Revitalized Civil Rights Enforcement — Implementation of OCR's Strategic Plan

OCR is playing a role in realizing ED and the Administration's strategy and goals of ensuring that the Nation's struggling schools are transformed, that students have equitable access to great teachers, college- and career-ready coursework, and the true promise of a high-quality education. To transform levels of achievement in an increasingly diverse Nation, students must be free from discrimination and have equal access to a high-quality education. This goes to the heart of OCR's mission of ensuring equal access to education and promoting educational excellence throughout the Nation through the vigorous enforcement of civil rights.

In early FY 2010, OCR implemented its strategic plan with goals that align resources and compliance and enforcement activities for maximum impact. The five goals in OCR's strategic plan provide an integrated approach to engaging parents, students, schools, colleges and universities, along with OCR and Department staff, in addressing educational inequity.

**Department of Education**  
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**Fiscal Year 2012 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(DEOA, section 203)

FY 2012 Authorization (\$000s): Indefinite

Budget Authority (\$000s):

	<u>2011 CR</u>	<u>2012</u>	<u>Change</u>
Personnel	\$78,426	\$80,530	+\$2,104
Non-Personnel	<u>24,598</u>	<u>27,242</u>	<u>2,644</u>
Total	\$103,024 <sup>1</sup>	\$107,772	+\$4,748
 FTE Level	 614	 626	 +12

<sup>1</sup> Funding levels in FY 2011 represent the annualized continuing resolution levels of the 4<sup>th</sup> Continuing Appropriations Act, 2011 (P.L. 111-322).

## PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services – whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).

## OFFICE FOR CIVIL RIGHTS

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 14,000 local educational agencies; nearly 6,500 postsecondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### **OCR PROGRAM INFORMATION**

OCR's enforcement of civil rights laws is multi-faceted and requires a sufficient number of well-educated and highly trained staff. OCR considers these "knowledge workers" essential to fulfill its mission to ensure equal access to educational programs and activities through civil rights law enforcement. OCR's law enforcement program includes policy development, administrative enforcement, and other activities including proactive initiatives. With an annual caseload of approximately 7,000 complaints per year, resolving complaints alleging discrimination is the core work of the organization.

Moreover, as described throughout this document, OCR promotes compliance with civil rights through its extensive technical assistance and outreach activities. These activities include a wide range of presentations to and consultations with recipients and covered entities regarding civil rights requirements. OCR also issues policy guidance to advise recipients and covered entities about their legal obligations and about OCR's approach to enforcing and applying civil rights laws in various situations. OCR's civil rights activities support the Department's goals of ensuring that the Nation's struggling schools are transformed, that all students have equitable access to great teachers and leaders, college- and career-ready coursework, and the true promise of high quality education.

### **Organizational Structure and Staffing**

The Office for Civil Rights requires a staffing level of 626 FTEs to support its mission. Currently, 89 percent of OCR's staff are located in 12 enforcement offices throughout the country, and the remaining 11 percent occupies OCR's headquarters office. The Headquarters office and DC Metro Enforcement offices are located in Washington, DC, and the remaining 11 Enforcement offices are located in 10 regional centers and 1 field office throughout the Nation: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle, and Cleveland.

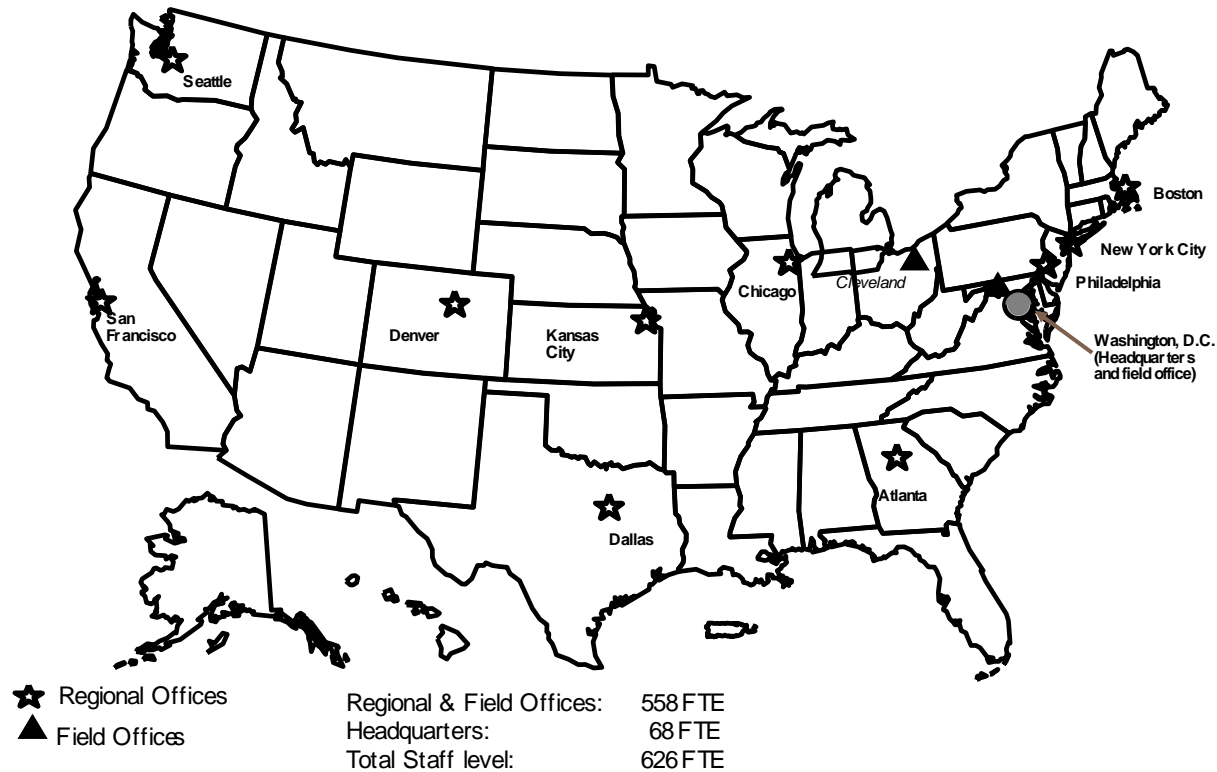
OCR is headed by an Assistant Secretary, who is supported by a Principal Deputy Assistant Secretary. Deputy Assistant Secretaries for Enforcement and Policy, as well as the Resource Management Group Director, report to the Principal Deputy Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for oversight of 12 enforcement offices and 3 Enforcement Directors who provide day-to-day leadership to those offices. The Deputy Assistant Secretary for Policy oversees the headquarters' Program Legal Group that provides a range of legal services including: developing policy guidance on civil rights issues, developing technical assistance materials, consulting on cases from the enforcement offices, and helping ensure that civil rights issues are appropriately addressed within Department programs and initiatives and among Federal agencies. This group also collaborates with other Department

OFFICE FOR CIVIL RIGHTS

offices on the Civil Rights Data Collection (CRDC) and oversees CRDC data analysis and dissemination. The Resource Management Group supports the Office nationwide in the areas of customer service, information technology, budget, procurement, and human capital management.

OFFICE FOR CIVIL RIGHTS

FY 2012 Headquarters/Regional Staff



Funding levels for the past 5 fiscal years were as follows:

	(\$000s)
2007 .....	\$91,205
2008 .....	89,612
2009 .....	96,826
2010 .....	103,024
2011 CR .....	103,024

## OFFICE FOR CIVIL RIGHTS

### FY 2012 BUDGET REQUEST

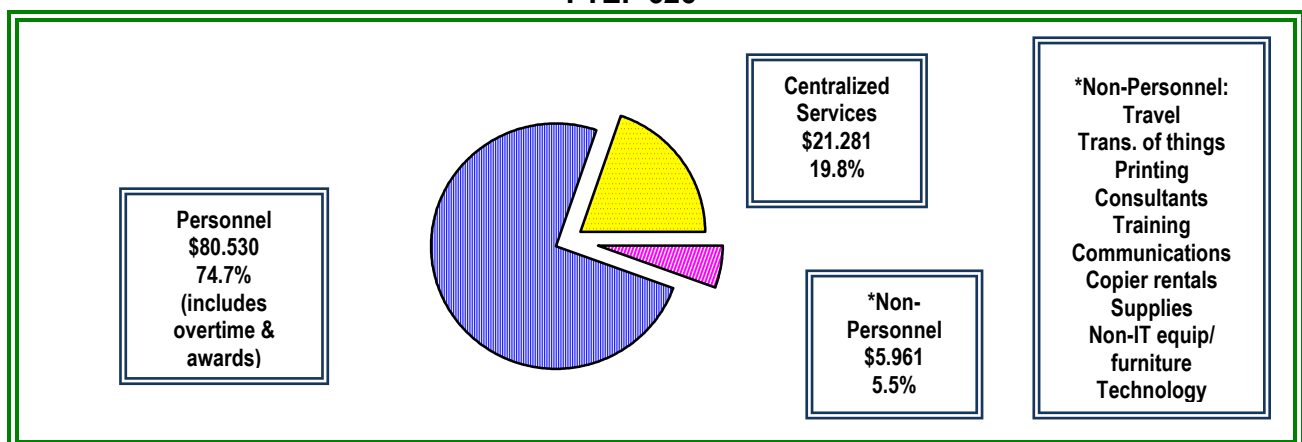
The total FY 2012 request is \$107.772 million with a full-time equivalent (FTE) level of 626. This request is a \$4.748 million, or 4.6 percent increase, over the FY 2011 continuing resolution level of \$103.024 million.

- The Personnel Compensation and Benefits (PC&B) request of \$80.530 million is an increase of \$2.104 million over the FY 2011 CR level due to pay and benefits increases for the requested additional 12 FTE. The additional FTE will ensure successful management of OCR's enforcement programs, priorities, and complaint resolution. In FY 2010, OCR received 6,933 complaints, a 9 percent increase from FY 2009 – the largest number of complaints ever received by the agency. In addition, some of the complaints were more complex than in previous years. To handle the increased workload and implement strategic priorities, OCR plans to hire additional enforcement office attorneys with both investigative and legal skills at the GS-905-11/12 level. OCR plans to hire these attorneys during the first quarter of fiscal year 2012.
- OCR's FY 2012 share of the Department's centralized services (overhead) amount of \$21.281 million reflects an increase of \$583,000 above the FY 2011 CR level of \$20.698 million. The increases are mainly for GSA rent payments, training, and guard services.
- Non-Personnel costs, excluding centralized services, will be \$5.961 million, or \$2.061 million above the FY 2011 CR level of \$3.900 million. In addition to the Civil Rights Data Collection (CRDC) and analysis, non-personnel costs are primarily for travel, training, legal services, and software support to operate OCR's Case and Activity Management System (CAMS). OCR is also requesting an increase of \$300,000 to fund the Equity and Excellence Commission. The Commission has been established to determine how the Government can increase educational opportunity by improving school funding equity.

#### FY 2012 BUDGET (dollars in millions)

**Total: \$107.772**

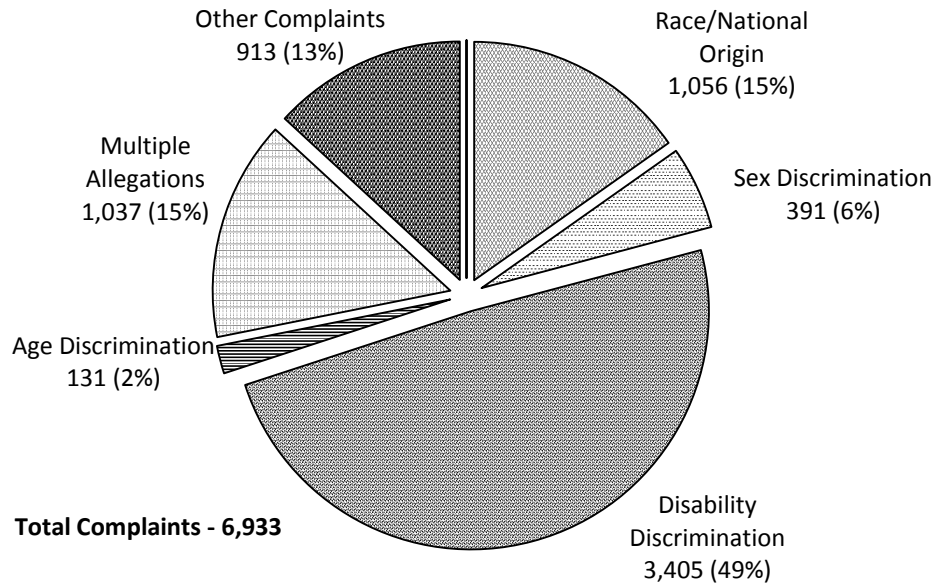
**FTE: 626**



## OFFICE FOR CIVIL RIGHTS

OCR provides information to the public on its activities that include assistance on how to file complaints. FY 2010 complaints alleging discrimination on the basis of disability comprise 49 percent of total complaint receipts, as shown in the following chart.

**FY 2010 Complaint Caseload by Jurisdiction  
(October 1, 2009- September 30, 2010)**



## PROGRAM PERFORMANCE INFORMATION

### Performance Measures

OCR's performance measures are designed to assess the efficiency and accessibility of the complaint resolution process. The first performance measure has two targets encompassing OCR's entire complaint workload. Together, the two targets hold OCR accountable for efficient case resolution. OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed after case resolution to both complainants and recipients. The survey measures courteous and considerate treatment of customers, prompt communication (oral and written) and clear and responsive communication (oral and written), and whether the customer is kept informed about his or her case. A FY 2005 survey was used to establish baseline at 3.66 (on a scale of 1 through 5).

## OFFICE FOR CIVIL RIGHTS

### Current performance measures for complaint workload:

<b>Measure:</b> Percentage of complaints resolved within 180 days.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
<b>2007</b>	80	93
<b>2008</b>	80	91
<b>2009</b>	80	92
<b>2010</b>	80	90
<b>2011</b>	80	
<b>2012</b>	80	

<b>Measure:</b> Percentage of complaints pending over 180 days.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
<b>2007</b>	< 25	18
<b>2008</b>	< 25	18
<b>2009</b>	< 25	15
<b>2010</b>	< 25	22
<b>2011</b>	< 25	
<b>2012</b>	< 25	

<b>Measure:</b> Mean score of customer satisfaction survey.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
<b>2007</b>	3.66	3.96
<b>2008</b>	3.66	3.99
<b>2009</b>	3.66	3.93
<b>2010</b>	3.66	3.89
<b>2011</b>	3.66	
<b>2012</b>	3.66	

OCR's current performance measures focus on metrics that capture inputs and processes. While these systems have been helpful by bringing an increased level of accountability to OCR's work, they do not measure impact. OCR plans to update this measurement system in FYs 2010 and 2011 by supplementing it with additional sets of indicators designed to connect on-the-ground work with real progress towards achieving its mission. OCR's outcome measures will reflect whether OCR has been making progress towards its goals, i.e., the extent to which students are free from discrimination and have equal access to a quality education. OCR's interim measures will be designed to track the progress towards achieving these broad ultimate outcomes. They will be linked to specific office-wide initiatives and activities, for instance, coordinated compliance reviews, technical assistance, and outreach around a particular issue.

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2011 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(DEOA, section 203)

FY 2010 Authorization (\$000s): Indefinite

Budget Authority (\$000s):

	<u>2010</u>	<u>2011</u>	<u>Change</u>
Personnel	\$76,323	\$79,292	+\$2,969
Non-Personnel	<u>26,701</u>	<u>26,408</u>	<u>- 293</u>
Total	\$103,024	\$105,700	+\$2,676
 FTE Level	 609	 614	 5

## PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance); and
- Boy Scouts of America Equal Access Act of 2002 (prohibiting public elementary and secondary schools, local educational agencies, and State educational agencies from denying equal access or a fair opportunity to meet to, or discriminating against, any group officially affiliated with the Boy Scouts of America or any other youth group listed as a patriotic society in Title 36 of the United States Code).



## OFFICE FOR CIVIL RIGHTS

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 14,000 local educational agencies; nearly 6,500 postsecondary institutions, including proprietary schools and community colleges; 82 State rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### **OCR PROGRAM INFORMATION**

OCR's enforcement of civil rights law is multi-faceted and requires a sufficient number of well-educated and highly trained staff. OCR considers these "knowledge workers" essential to fulfill its mission to ensure equal access to educational programs and activities through civil rights law enforcement. OCR's law enforcement program includes policy development, administrative enforcement, and other activities including proactive initiatives. With an annual caseload of approximately 6,000 complaints per year, resolving complaints alleging discrimination is the core work of the organization.

Moreover, as described throughout this document, OCR promotes compliance with civil rights through its extensive technical assistance and outreach activities. These activities include a wide range of presentations to and consultations with recipients and covered entities regarding civil rights requirements. OCR also issues policy guidance to advise recipients and covered entities about their legal obligations and about OCR's approach to enforcing and applying civil rights laws in various situations.

### **Organizational Structure and Staffing**

The Office for Civil Rights requires a staffing level of 614 FTEs to support its mission. Currently, 90 percent of OCR's staff are based in 12 enforcement offices throughout the country, and the remaining 10 percent occupies OCR's Headquarters office. The Headquarters Office and DC Metro Enforcement Offices are located in Washington, DC, and the remaining 11 Enforcement Offices are located in 10 Regional Centers and 1 Field Office locations throughout the Nation: Boston, New York, Philadelphia, Atlanta, Dallas, Chicago, Kansas City, Denver, San Francisco, Seattle; and Cleveland.

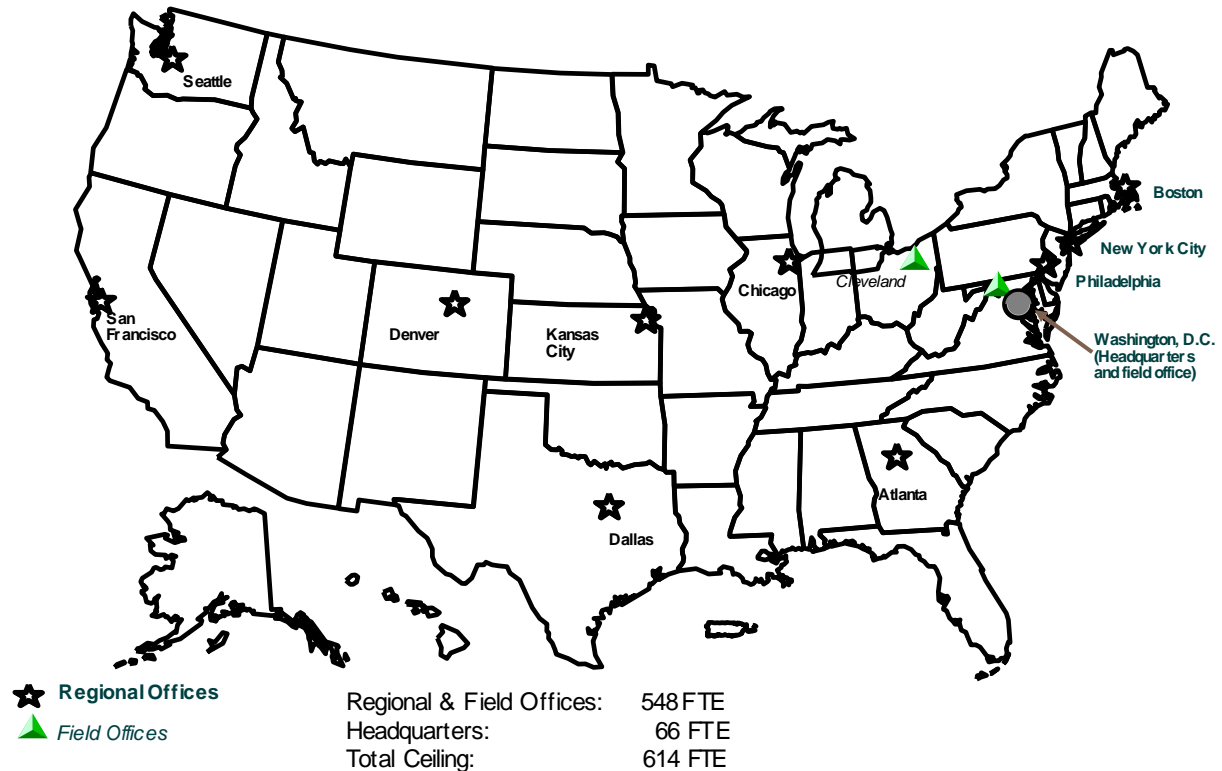
OCR is headed by an Assistant Secretary and a Principal Deputy Assistant Secretary. Deputy Assistant Secretaries for Enforcement and Policy report directly to the Principal Deputy Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for oversight of 12 enforcement offices and two Enforcement Directors. These Enforcement Directors provide leadership and coordinate compliance activities on a daily basis with the 12 Enforcement offices. The Deputy Assistant Secretary for Policy oversees the headquarters' Program Legal Group, the Resource Management Group, and other front office activities. The Program Legal Group provides a range of legal services including: developing policy guidance on civil rights issues, developing technical assistance materials, and consulting on cases from the enforcement divisions. This group also consults with other Department offices on the Civil Rights Data Collection, oversees data analysis and dissemination, and helps ensure that civil rights issues are appropriately addressed within Department programs and

## OFFICE FOR CIVIL RIGHTS

initiatives and among Federal agencies. The Resource Management Group supports the Office nationwide in the areas of customer service, information technology, budget, procurement, and the management of human capital.

## OFFICE FOR CIVIL RIGHTS

### FY 2011 Headquarters/Regional Staff



Funding levels for the past 5 fiscal years were as follows:

	(\$000s)
2006 .....	\$90,611
2007 .....	91,205
2008 .....	89,612
2009 .....	96,826
2010 .....	103,024

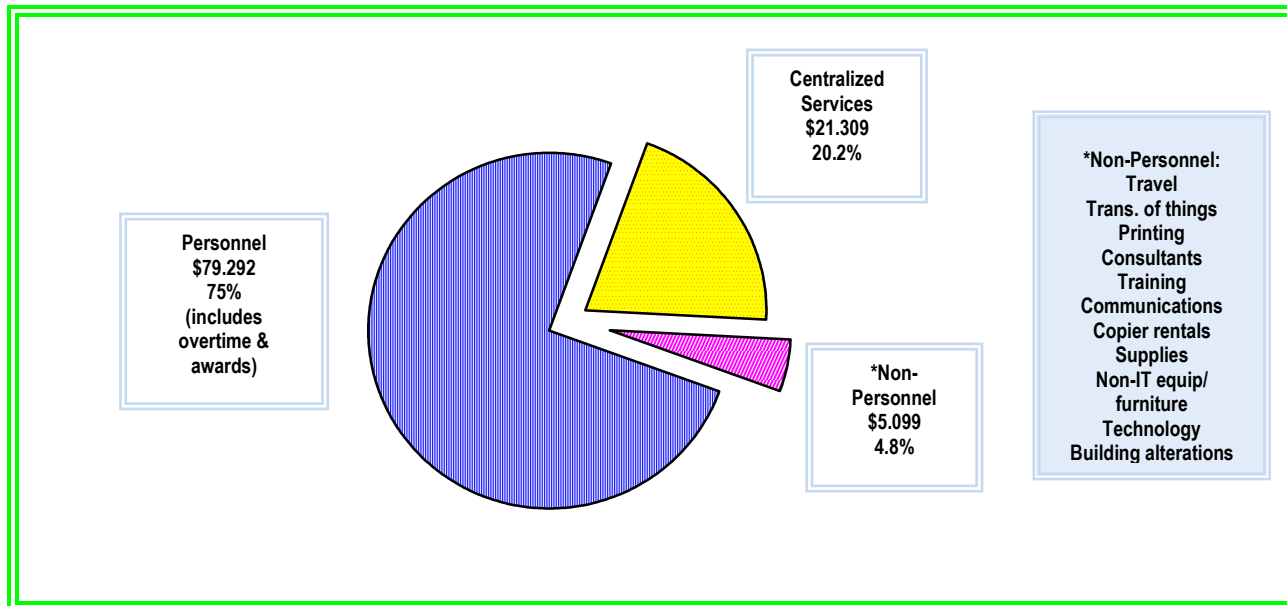
## FY 2011 BUDGET REQUEST

The total FY 2011 request is \$105.700 million with a Full-Time Equivalent (FTE) level of 614. This request is a \$2.676 million or 2.6 percent increase over the FY 2010 level of \$103.024 million.

## OFFICE FOR CIVIL RIGHTS

- The Personnel Compensation and Benefits (PC&B) request of \$79.292 million is an increase of \$2.969 million over the FY 2010 level of \$76.323 million due to the proposed Federal Government pay and benefits increases. OCR's FTE has increased by 5 FTE over the 2010 level to 614 FTE. The additional FTE will ensure successful management of OCR's enforcement programs and priorities.
- OCR's FY 2011 share of the Department's Centralized Services (overhead) amount of \$21.309 million reflects a decrease of \$210,000 below the FY 2010 level of \$21.519 million.
- Non-Personnel costs, excluding centralized services, will be \$5.099 million, or \$83,000 less than the FY 2010 level of \$5.182 million. In addition to the Civil Rights Data Collection (CRDC) and analysis, non-personnel costs are primarily for travel, training, legal services, and software support to operate OCR's Case and Activity Management System (CAMS).

### FY 2011 BUDGET (Dollars in Millions) Total: \$105.700 FTE: 614

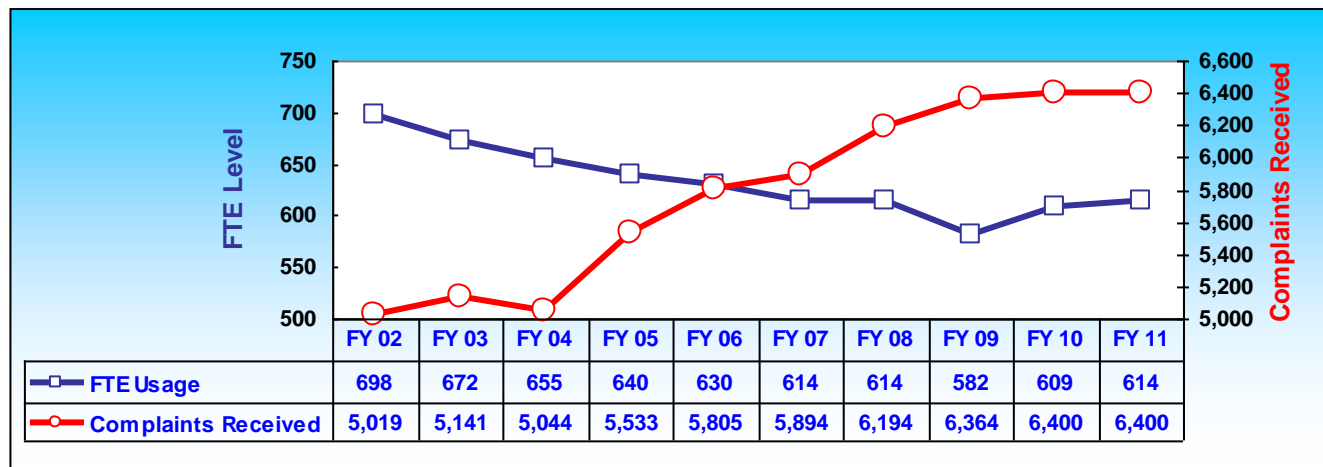


### Personnel Costs

For FY 2011, PC&B costs are 75 percent of the request, or \$79.292 million. This is \$2.969 million over the FY 2010 level of \$76.323 million for PC&B to support a staffing level of 614 FTE. Over the past 8 years, from 2002 to 2009, OCR reduced its staffing level by

## OFFICE FOR CIVIL RIGHTS

17 percent even though complaint receipts increased by 27 percent. The following chart compares actual complaints received and FTE levels from 2002 to 2009, and estimates for 2010 and 2011.



OCR reduced its 2009 budgeted FTE level to 595 from the 2008 level of 614; the actual usage in 2009 was 582. OCR anticipates filling key positions currently vacant in 2010, resulting in anticipated FTE usage of 609. The 2011 requested FTE level is 614. The PC&B request will cover the FY 2010 Governmentwide pay raise of 2 percent and as well as the FY 2011 proposed pay raise of 1.4 percent and historically based increases for benefits.

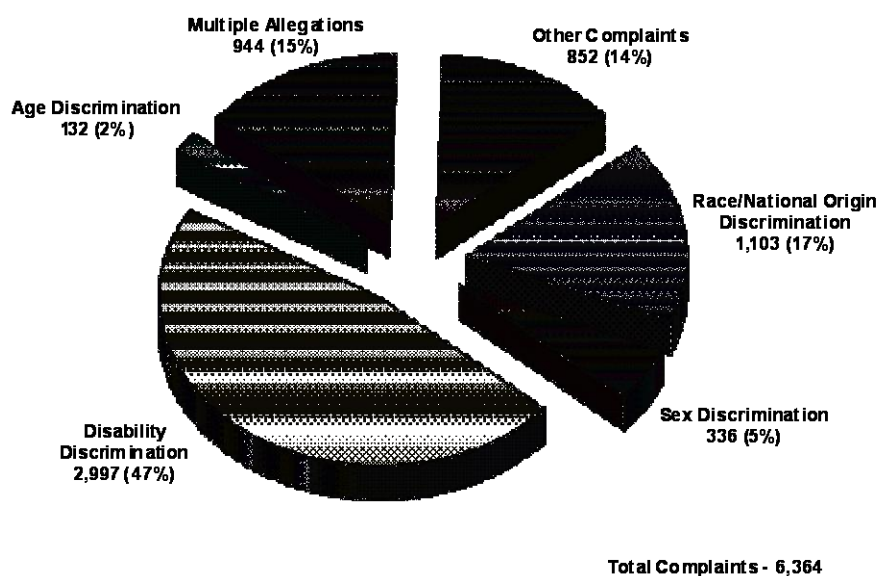
### Awards & Overtime

OCR is requesting \$650,000 for awards and \$18,000 for overtime. The level for awards is an increase of \$81,000 over FY 2010. OCR rewards staff based upon performance. The requested amount will enable OCR to provide appropriate recognition for high performance and will compensate those who work additional hours to complete work in tight deadlines, consistent with departmental policy.

### Non-Personnel Costs

Non-personnel costs are critical to ensure that OCR staff has the required resources to accomplish its mission of civil rights enforcement. The total request for non-personnel activities in FY 2011, excluding departmental centralized services, is \$5.099 million, which is a decrease of \$83,000 from the 2010 level, due to cost savings in training. The CRDC will be level-funded at \$3.203 million. The requested non-personnel funds will provide program support to resolve complaints of discrimination filed by the public and to ensure that institutions receiving Federal financial assistance are in compliance with the civil rights laws enforced by OCR.

## OFFICE FOR CIVIL RIGHTS

FY 2009 Complaint Caseload by Jurisdiction  
(October 1, 2008- September 30, 2009)**PROGRAM PERFORMANCE INFORMATION****Performance Measures**

OCR's performance measures are designed to assess the efficiency and accessibility of the complaint resolution process. The first performance measure has two targets encompassing OCR's entire complaint workload: 80 percent of complaints with due dates in the relevant fiscal year are resolved in 180 days and no more than 25 percent of pending complaint workload is over 180 days old. Together, the two targets hold OCR accountable for efficient case resolution.

OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed after case resolution to both complainants and recipients. The survey measures courteous and considerate treatment of customers, prompt communication (oral and written) and clear and responsive communication (oral and written), and whether the customer was kept informed about his or her case. Based on responses to the survey in FY 2005, OCR's customer satisfaction performance baseline was established at 3.66 (on a scale of 1 through 5). The score for FY 2009 was 3.93.

## OFFICE FOR CIVIL RIGHTS

### Current performance measures for complaint workload:

<b>Measure:</b> Percentage of complaints resolved within 180 days.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
<b>2006</b>	80	91
<b>2007</b>	80	93
<b>2008</b>	80	91
<b>2009</b>	80	92
<b>2010</b>	80	
<b>2011</b>	80	

<b>Measure:</b> Percentage of complaints pending over 180 days.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
<b>2006</b>	< 25	21
<b>2007</b>	< 25	18
<b>2008</b>	< 25	18
<b>2009</b>	< 25	15
<b>2010</b>	< 25	
<b>2011</b>	< 25	

<b>Measure:</b> Mean score of customer satisfaction survey.		
<b>Year</b>	<b>Target</b>	<b>Actual</b>
<b>2006</b>	3.66	3.84
<b>2007</b>	3.66	3.96
<b>2008</b>	3.66	3.99
<b>2009</b>	3.66	3.93
<b>2010</b>	3.66	
<b>2011</b>	3.66	

### Civil Rights Compliance and Enforcement

From FY 2002 to 2011, OCR's complaint receipts have risen 28 percent, from 5,019 to a projected 6,400. Complaint investigation is a labor-intensive activity. A variety of techniques are used to resolve complaints. OCR's complaint resolution process was outlined most recently in OCR's Case Processing Manual (CPM), issued in March 2008. Under some circumstances, OCR facilitates a voluntary resolution between the parties. More typically, however, once a complaint has been evaluated and the allegations are found to be within OCR's jurisdiction, an investigation is conducted. Agreements are negotiated with recipients when compliance concerns are established. Once an agreement is reached, OCR monitors the agreement's implementation until the recipient remediates all necessary action. If the recipient is unwilling to negotiate with OCR or if the negotiations reach an impasse, OCR issues a Letter of Findings.

**Department of Education**  
**OFFICE FOR CIVIL RIGHTS**  
**Fiscal Year 2010 Budget Request**

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## OFFICE FOR CIVIL RIGHTS

### Office for Civil Rights

(DEOA, section 203)

FY 2010 Authorization (\$000s): Indefinite

Budget Authority (\$000s):

	<u>2009</u>	<u>2010</u>	<u>Change</u>
Personnel	\$71,914	\$75,675	+\$3,761
Non-Personnel	<u>24,912</u>	<u>27,349</u>	<u>+ 2,437</u>
Total	\$96,826	\$103,024	+\$6,198
 FTE Level	 595	 614	 19

### PROGRAM DESCRIPTION

The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights laws. This is in alignment with the Department's mission to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR ensures equal access to education by enforcing Federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs and institutions that receive financial assistance from the Department. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination);
- Age Discrimination Act of 1975 (prohibiting age discrimination); and
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services — whether or not programs receive Federal financial assistance).



## OFFICE FOR CIVIL RIGHTS

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These and other civil rights laws extend to a wide range of Federal recipients, including: all State educational agencies; approximately 14,000 local educational agencies; nearly 6,500 postsecondary institutions, including proprietary schools and community colleges; 82 State rehabilitation agencies and their sub-recipients; as well as other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. More than 79 million individuals are beneficiaries of the financial assistance these institutions and agencies receive on behalf of the Department.

### OCR PROGRAM INFORMATION

OCR's enforcement of civil rights law is multi-faceted and requires a sufficient number of well-educated and highly trained staff. OCR considers these "knowledge workers" essential to fulfill its mission to ensure equal access to educational programs and activities through civil rights law enforcement. OCR's law enforcement program includes policy development, proactive initiatives, administrative enforcement, and other activities. With an approximate annual caseload of 6,000 complaints per year, resolving complaints alleging discrimination is the core work of the organization.

Moreover, as described throughout this document, OCR promotes compliance with civil rights through its extensive technical assistance and outreach activities. These activities, in all of the areas over which OCR has jurisdiction, include a wide range of presentations to and consultations with recipients and covered entities regarding civil rights requirements, as well as the issuance of policy guidance to advise recipients and covered entities about their legal obligations and about OCR's approach to enforcing and applying civil rights laws in varied situations.

### Organizational Structure and Staffing

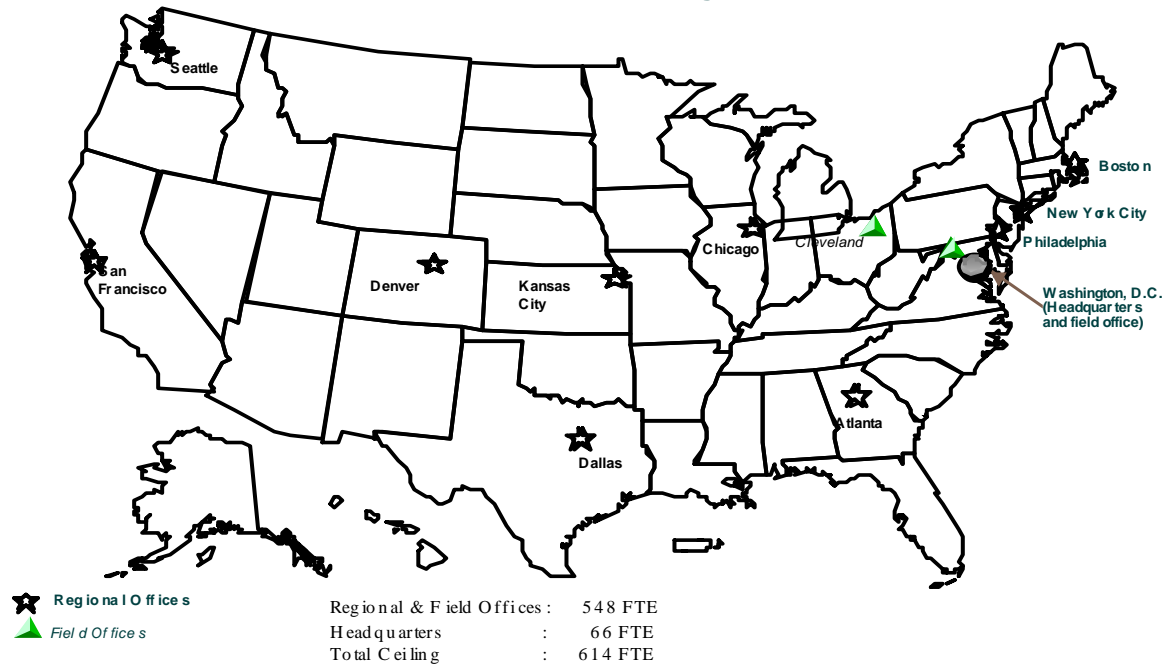
The Office for Civil Rights requires a staffing level of 614 FTEs to fulfill its mission. Eighty-nine percent of OCR's staff are located in 12 enforcement offices and the remaining 11 percent are located within OCR's headquarters office. The Assistant Secretary is the head of OCR. There are two Deputy Assistant Secretaries that report directly to the Assistant Secretary. The Deputy Assistant Secretary for Enforcement is responsible for managing the 12 enforcement offices. There are two Enforcement Directors that report to the Deputy Assistant Secretary for Enforcement. These Directors provide leadership and coordinate compliance activities on a daily basis with the 12 Enforcement offices. In addition, the Deputy Assistant Secretary for Policy oversees headquarters' Program Legal Group and the Resource Management Group.

As shown on the following map, OCR's headquarters office is located in Washington, DC, and the 12 enforcement offices are located in 10 regional centers and 2 field office locations throughout the Nation: Boston; New York; Philadelphia; Washington, DC; Atlanta; Dallas; Cleveland; Chicago; Kansas City; Denver; San Francisco; and Seattle. Compliance activity teams in the field offices, which consist mainly of attorneys, investigators, and Equal Employment Opportunity Specialists, are the organizational units responsible for investigating discrimination complaints, undertaking compliance reviews, and providing technical assistance to recipients, students, parents, and other stakeholders.

## OFFICE FOR CIVIL RIGHTS

## OFFICE FOR CIVIL RIGHTS

## FY 2010 Headquarters/Regional Staff



Within headquarters, the Program Legal Group provides a range of legal services including: developing policy guidance on civil rights issues, developing technical assistance materials, and consulting on cases from the Enforcement Directors. This group also consults with other Department offices on the Civil Rights Data Collection (CRDC), oversees the data analysis and dissemination, and helps ensure that civil rights issues are appropriately addressed within Department programs and initiatives and among Federal agencies. The Resource Management Group supports OCR in the following major areas: customer service and technology information, budget and procurement, and human resources. The Resource Management Group responds to a nationwide complaint hotline call center and correspondence, coordinates and responds to FOIA requests, manages the appropriate filing of official documents and records, and requests the mailing of pamphlets through ED Pubs. Budget and procurement functions include budget formulation, justification, and execution ensuring that OCR operates within its appropriation; maintaining financial records, reconciling accounts, and certifying all procurement for the Office nationwide. Human resources functions include the management of human capital and personnel activities and ensure that personnel regulations are followed in accordance with the Office of Personnel Management.

## OFFICE FOR CIVIL RIGHTS

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Funding levels for the past 5 fiscal years were:

	(\$000s)
2005 .....	89,375
2006 .....	90,611
2007 .....	91,205
2008 .....	89,612
2009 .....	96,826

### FY 2010 BUDGET REQUEST

The total FY 2010 request is \$103.024 million, a net increase of \$6.198 million or 6.4 percent over the 2009 level, with an increase of 19 in full-time equivalent (FTE) staff to 614.

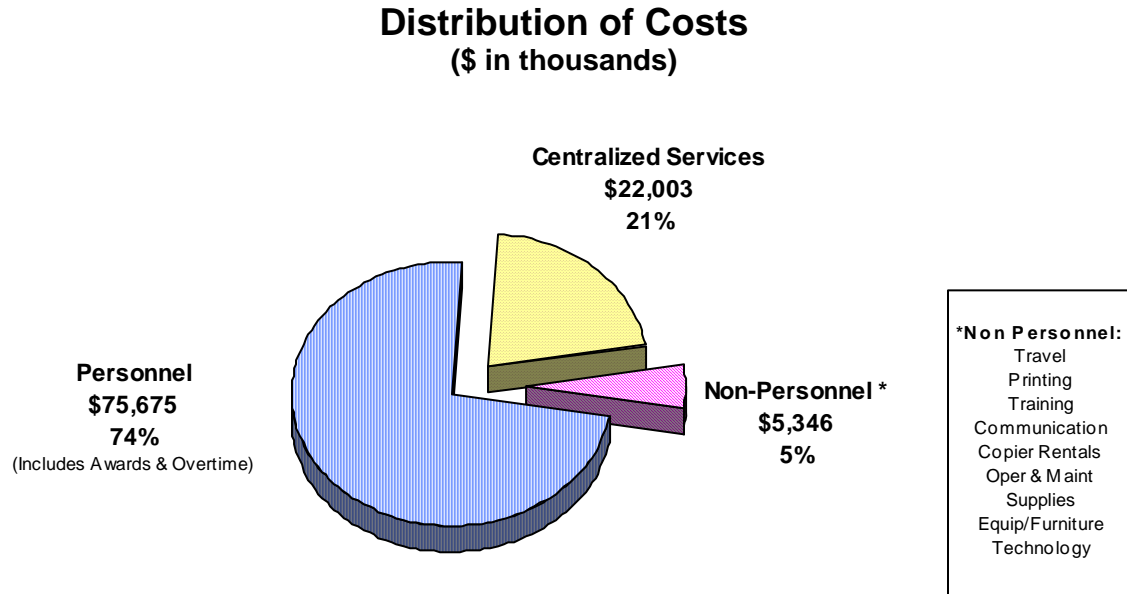
- Personnel will increase \$3.761 million. The increase is due to the proposed 2 percent pay raise and benefit costs in 2010, and an additional 19 FTE to restore staff to levels necessary to ensure successful management of OCR programs and priorities.
- OCR's share of the Department's centralized services, or overhead, will increase by \$896,000. The increase is for rent across OCR's offices nationwide (\$948,000), offset by a decrease in Homeland Security Presidential Directive 12 (\$50,000).
- Non-Personnel costs, excluding centralized services, will be \$5.346 million, or \$1.541 million above the 2009 level. The majority of the increase is due to the biennial Civil Rights Data Collection (CRDC) and analysis. In addition to the CRDC and analysis, non-personnel costs are primarily for travel, training, legal services, and software support to operate OCR's case and activity management system (CAMS).

Due to budget constraints, OCR reduced its 2009 FTE level by 34 and 2010 FTE level by 15 from the budgeted 2008 level. However, if OCR reduces staffing level below 614 FTE, it will jeopardize OCR's ability to initiate a full range of activities, hindering both OCR and the Department's mission of ensuring equal access to students' education.

In addition, the CRDC and data analyses must be fully funded, as they are an integral part of OCR's statutorily mandated law enforcement program (Department of Education Organization Act (20 U.S.C. 3413)) and the only source of data for analyzing many high priority civil rights issues.

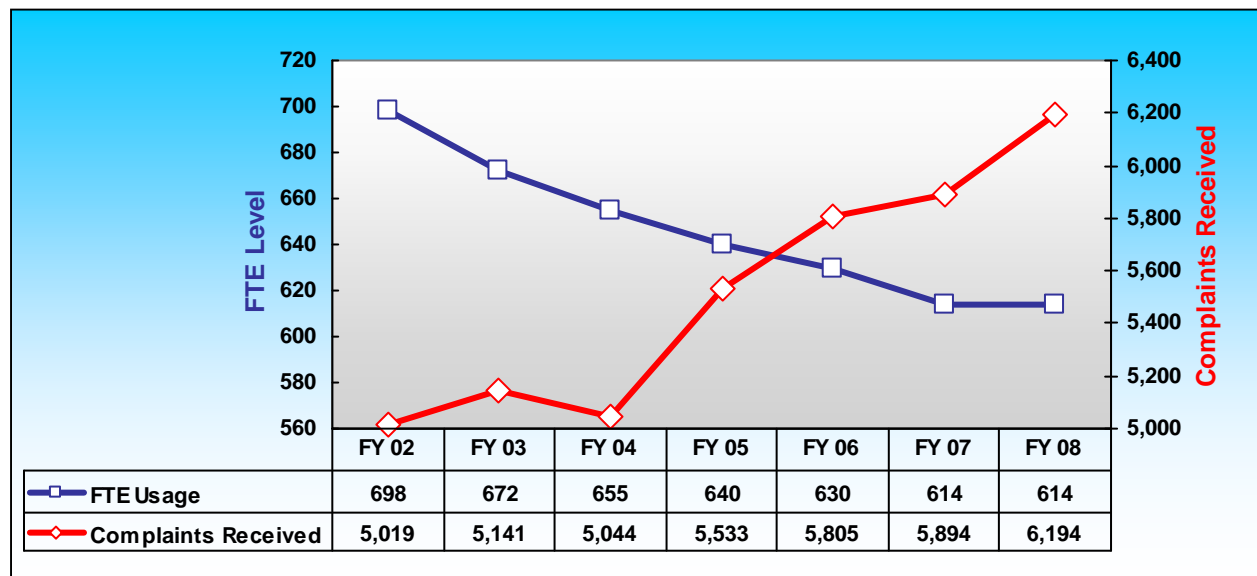
## OFFICE FOR CIVIL RIGHTS

The distribution of the requested funds for 2010 is shown below.



### Personnel Costs

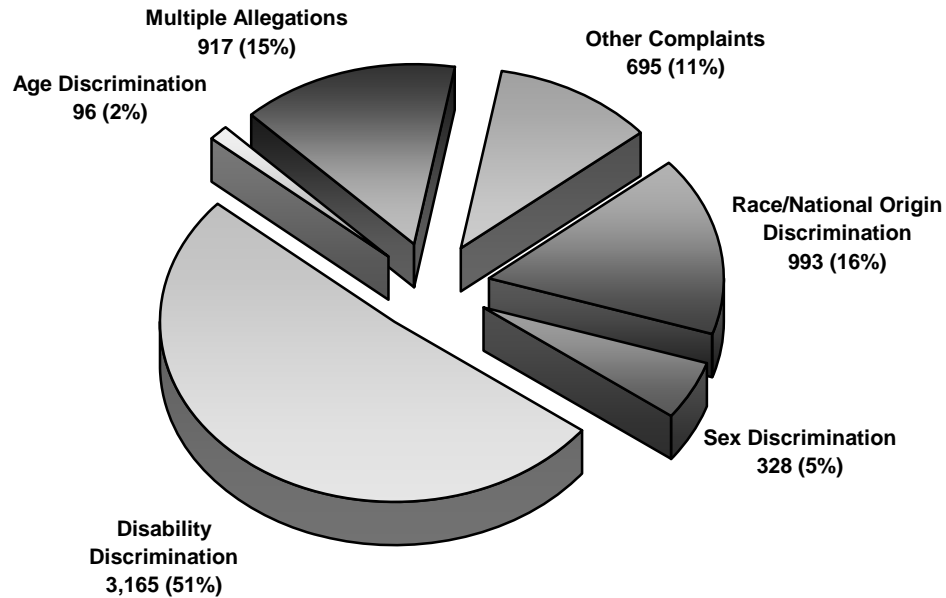
Approximately 74 percent, or \$75.675 million, of the total FY 2010 request is for personnel compensation and benefits (PC&B) to support a staffing level of 614 FTE. The increases OCR has received over the past 6 years for its appropriation were not sufficient to cover the increases in its fixed costs (centralized services). To manage the funding gap, OCR reduced FTE levels by strategically aligning and aggressively managing its human capital in order to improve efficiency. OCR reduced its staffing level over 13 percent even though complaint receipts have increased by 23 percent over the past 6 years, from 5,019 in 2002, to 6,194 in 2008. The following chart compares complaints received and FTE levels from 2002 to 2008.



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### FY 2008 Complaint Caseload by Jurisdiction (October 1, 2007- September 30, 2008)



Total Complaints - 6,194

## PROGRAM PERFORMANCE INFORMATION

### Performance Measures

As evidenced in the following performance measures, OCR is committed to resolving discrimination complaints within 180 days of receipt. Denying equal educational access to students for longer than 6 months can have a negative impact on their education and their lives.

OCR's performance measures are designed to assess the efficiency and accessibility of the complaint resolution process. The first performance measure has two targets encompassing OCR's entire complaint workload: 80 percent of complaints with due dates in the relevant fiscal year are resolved in 180 days and no more than 25 percent of pending complaint workload is over 180 days old. Together, the two targets hold OCR accountable for efficient case resolution.

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OCR's second performance measure looks at customer satisfaction through a customer service survey that is distributed after case resolution to both complainants and recipients. The survey measures courteous and considerate treatment of customers, prompt communication (oral and written) and clear and responsive communication (oral and written), and whether the customer was kept informed about his or her case. Based on responses to the survey in FY 2005, OCR's customer satisfaction performance baseline was established at 3.66 (on a scale of 1 through 5). The score has steadily increased and was 3.99 for FY 2008.

### Current performance measures for complaint workload:

<b>Measure: Percentage of complaints resolved within 180 days</b>		
<b>Fiscal Year</b>	<b>Target Percent</b>	<b>Actual Percent</b>
2006	80	91
2007	80	93
2008	80	91
2009	80	
2010	80	

<b>Measure: Percentage of complaints pending over 180 days</b>		
<b>Fiscal Year</b>	<b>Target Percent</b>	<b>Actual Percent</b>
2006	< 25	21
2007	< 25	18
2008	< 25	18
2009	< 25	
2010	< 25	

<b>Measure: Mean score of customer satisfaction survey</b>		
<b>Fiscal Year</b>	<b>Target Baseline</b>	<b>Actual</b>
2006	3.66	3.84
2007	3.66	3.96
2008	3.66	3.99
2009	3.66	
2010	3.66	

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### Civil Rights Compliance and Enforcement

Over the past decade, from FY 1998 to 2008, OCR's complaint receipts have risen 28 percent, from 4,847 to 6,194. While OCR's appropriation has gradually increased over the past decade due to inflation and the rising costs of centralized services, OCR's budgeted FTE has decreased 13 percent, from 724 in 1998 to 629 in 2007 and 2008. With an all-time staffing low of 595 FTE in 2009 and a rising workload, OCR is challenged in its ability to execute its law enforcement activities.

In FY 2008, OCR received 6,194 complaints, an almost 5 percent increase over 2007, and resolved 5,737 complaints. Eight hundred and eighty cases were in monitoring. Because of a 2004 change in the Case Resolution and Investigation Manual (revised as of March 2008, and now the Case Processing Manual (CPM)) notifying complainants that there is a formal two-tiered process for requesting reconsideration of OCR's investigative case findings, an increased number of requests for reconsideration added to OCR's workload both in the field and in headquarters. In 2006, 375 first-level requests for reconsideration were received in the field and approximately 100 second-level requests in headquarters. The numbers are growing. In 2007, 465 first-level requests for reconsideration were received in the field and approximately 108 second-level requests were received in headquarters. In 2008, 417 first-level requests for reconsideration were received and 144 second-level requests. There were 163 second-level requests pending in headquarters at the end of the 2008. Because there are fewer staff to accomplish more work, timelines for monitoring resolution agreements and responding to requests for reconsideration of case investigations are increasing. In addition, OCR's capacity to deliver technical assistance, which is labor intensive but the best means of preventing civil rights violations, is at risk.

Complaint investigation is a labor-intensive activity. A variety of techniques are used to resolve complaints. (OCR's complaint resolution process was outlined most recently in OCR's CPM, issued in March 2008.) Under some circumstances, OCR facilitates a voluntary resolution between the parties. More typically, however, once a complaint has been evaluated and the allegations are found to be within OCR's jurisdiction, an investigation is conducted. Agreements are negotiated with recipients when compliance concerns are established. Once an agreement is reached, OCR monitors the agreement's implementation until the recipient completes all necessary action. If the recipient is unwilling to negotiate with OCR or if the negotiations reach an impasse, OCR issues a Letter of Findings. The recipient is then given another opportunity to negotiate a remedy before OCR issues a Letter of Impending Enforcement Action and initiates and conducts enforcement proceedings through an administrative hearing or refers the case to the Department of Justice (DOJ).

Over the last decade, more than 50 percent of OCR's complaint receipts have alleged disability discrimination. OCR intends to maximize the impact of resources spent on these investigations by expanding its proactive compliance and technical assistance activities under Section 504 and Title II. OCR's National Enforcement Strategy includes activities in the area of disability, addressing such issues as: equal access to education for disabled veterans, overrepresentation of minorities in special education, misidentification of language minority students in special education, physical accessibility to postsecondary education programs and facilities, and the transition of students with disabilities from high school to college.